

NSFAS PAIA MANUAL

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1. DEFINITIONS

- 1.1. **Applicable Laws** means all laws, regulations with which NSFAS is required to comply.
- 1.2. **Chief Executive Officer** means the executive officer appointed by the NSFAS board in terms of section 9 of the NSFAS Act.
- 1.3. **Data Subject** means the person to whom Personal Information relates.
- 1.4. **Manual** means this information manual published in terms of section 14 of PAIA, read with POPIA.
- 1.5. **Minister** means the Minister of Higher Education and Training.
- 1.6. **NSFAS** means the National Student Financial Aid Scheme established in accordance with the NSFAS Act. NSFAS is a Public Body as contemplated in PAIA.
- 1.7. **NSFAS Act** means the National Student Financial Aid Scheme Act 56 of 1999.
- 1.8. **PAIA** means the Promotion of Access to Information Act 2 of 2000.
- 1.9. **PAIA Regulations** means the regulations published in GNR.757 of 27 August 2021 relating to the Promotion of Access to Information, 2021 (Government Gazette No. 45057).
- 1.10. **Personal Information** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- 1.11. **POPIA** means the Protection of Personal Information Act 4 of 2013.
- 1.12. **Processing** or **Process** means any activity that involves the use of the Personal Information. It includes any operation or activity or any set of

operations, whether or not by automatic means, concerning Personal Information, including:

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

1.13. **Public Body** means

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- (b) any other functionary or institution when
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation.

1.14. **Record** means any recorded information

- (a) regardless of form or medium;
- (b) in the possession or under the control of NSFAS; and
- (c) whether or not it was created by NSFAS.

1.15. **Request**, in relation to NSFAS, means a request for access to a record of NSFAS in terms of section 11 of PAIA.

1.16. **Requester**, in relation to NSFAS, means any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body” in PAIA, or an official thereof) making a request for access to a record of NSFAS; or a person acting on behalf of such person.

1.17. **Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information.

1.18. **Special Personal Information** means Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2. INTRODUCTION

- 2.1. NSFAS is a Public Body established by and performing its public functions in accordance with the NSFAS Act. In order to execute its statutory and public functions, NSFAS Processes a significant amount of information, including Personal Information.
- 2.2. This Manual is published in terms of Section 14 of PAIA, read with POPIA. Its purpose is to outline:
 - 2.2.1. the procedures to be followed and the criteria to be met by any person requesting access to records in the possession or under the control of NSFAS; and
 - 2.2.2. some of the mechanisms in place ensuring that NSFAS Processes Personal Information lawfully, in its capacity as a Responsible Party, as contemplated under POPIA, the further details of which can be found in NSFAS's Privacy Policy, which can be accessed on the NSFAS website, using the following link: www.nsfas.org.za or by requesting a copy from NSFAS's Information Officer and / or Deputy Information Officer, whose details appear in clause 6 of this Manual.

3. AVAILABILITY OF THIS MANUAL

- 3.1. This Manual can be accessed on the NSFAS website, using the following link: www.nsfas.org.za or by requesting a copy from NSFAS's Information Officer and / or Deputy Information Officer, whose details appear in clause 6 below.
- 3.2. This Manual may also be inspected at the NSFAS Head Office, located at The Halyard Building, 4 Christian Barnard Street, City Centre, Cape Town, 8001.
- 3.3. This Manual shall be updated and is published in accordance with section 14(2) of PAIA.

4. GUIDE ON HOW TO USE PAIA

- 4.1. In terms of section 10(1) of PAIA, the Information Regulator must update and make available the existing guide on how to use PAIA, which guide has been compiled by the South African Human Rights Commission (SAHRC), containing such information in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. For further information on accessing this guide, please contact the Information Regulator situated at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. P.O Box 31533, Braamfontein, Johannesburg, 2017, or by email at enquiries@inforegulator.org.za.

5. STRUCTURE AND FUNCTIONS OF NSFAS

- 5.1. NSFAS was established in accordance with the NSFAS Act.
- 5.2. NSFAS exists to provide financial aid to financially eligible students at TVET colleges and public universities. It does so by identifying eligible students, providing bursaries and collecting past student loan repayments to replenish the funds available for future generations of students. NSFAS supports access to, and success in, higher education and training for students from poor and working class families who would otherwise not be able to afford to study.
- 5.3. In terms of section 4 of the NSFAS Act, the functions of NSFAS are:
 - 5.3.1. to allocate funds for loans and bursaries to eligible students;
 - 5.3.2. to develop criteria and conditions for the granting of loans and bursaries to eligible students in consultation with the Minister;
 - 5.3.3. to raise funds as contemplated the NSFAS Act;
 - 5.3.4. to recover loans;
 - 5.3.5. to maintain and analyse a database and undertake research for the better utilisation of financial resources;

- 5.3.6. to advise the Minister on matters relating to student financial aid; and
- 5.3.7. to perform other functions assigned to it by the NSFAS Act or by the Minister.

6. INFORMATION OFFICER, DEPUTY INFORMATION OFFICER(S) AND CONTACT DETAILS

- 6.1. The Chief Executive Officer is the designated Information Officer for NSFAS. The Information Officer's details are as follows:

Office of the Chief Executive Officer of NSFAS

Address: The Halyard Building, 4 Christian Barnard Street, City Centre,
Cape Town, 8000

Tel: 080 006 7327

Email: paiarequests@nsfas.org.za

- 6.2. The Chief Executive Officer, may, in accordance with section 17(3) of PAIA, delegate the powers and duties conferred or imposed on the Information Officer by PAIA, in relation to PAIA Requests, to the Deputy Information Officer of NSFAS. The Deputy Information Officer's details are as follows:

Office of the Chief Information Officer of NSFAS

Address: The Halyard Building, 4 Christian Barnard Street, City Centre,
Cape Town, 8001

Tel: 080 006 7327

Email: paiarequests@nsfas.org.za

7. RECORDS AUTOMATICALLY AVAILABLE

- 7.1. The following information is available to the public and does not require an application for access under PAIA:

- 7.1.1. Any information contained in any publicly accessible websites operated by NSFAS.
- 7.1.2. Any information published by NSFAS in any books, magazines, brochures or other material form that has been made available to the public by NSFAS.
- 7.2. The information referred to in section 7.1 may include, without limitation, the following:
 - 7.2.1. the mission and objectives of NSFAS and all its various arms;
 - 7.2.2. the statutes, rules, regulations and policies of NSFAS;
 - 7.2.3. the organogram and / or structure of NSFAS, including names and offices of office-bearers;
 - 7.2.4. programs and courses offered by NSFAS;
 - 7.2.5. eligibility criteria, application forms and any other information necessary to facilitate public engagement with NSFAS in the promotion of its objectives;
 - 7.2.6. some research and academic initiatives that NSFAS is involved in;
 - 7.2.7. fees payable when requesting access to any of these records.
- 7.3. The following information is available without recourse to PAIA only if the Requester is requesting access to their own personal information, alternatively, where a Requester is requesting such personal information on behalf a person in respect of whom the Requester has a special power of attorney and can provide a certified copy of the identity document of the person on whose behalf the Request is made:
 - 7.3.1. records of merit awards or mentions;
 - 7.3.2. records of extra-curricular activities;
 - 7.3.3. records of disciplinary hearings and/or verdicts;
 - 7.3.4. graded papers submitted by the Requester in the course of his/her academic pursuits at NSFAS; and

- 7.3.5. financial statements relating to the Requester's financial obligations to or rights against NSFAS.

8. RECORDS HELD BY NSFAS

NSFAS holds the following records:

- 8.1. Personal Information as defined in POPIA of governance office-bearers, NSFAS personnel and / or employees, NSFAS stakeholders, applicants for NSFAS grants, NSFAS service providers, NSFAS funders and donors, and any other categories of Data Subject referred to in clause 13.
- 8.2. Records relating to the administration of NSFAS, including its governance structure, internal rules, regulations and policies, minutes of meetings, financial records, contracts, partnerships, scholarships, bursaries, grants and donations, tenders and service providers, employment equity data, BBBEE status, PAIA data, statutory and other licences, and marketing records.
- 8.3. Records relating to research activities generally, including strategy statements, contracts, and partnerships.
- 8.4. Records relating to students including student personal data including, but not limited to academic records, academia related submissions, disciplinary records, merit records, scholarship and bursary records, and community service records.
- 8.5. Records relating to NSFAS's employees and staff personal data including, but not limited to CVs, service history, job descriptions, performance reviews, merit awards and mentions, disciplinary hearings and verdicts, salary grades and progressions.
- 8.6. Records relating to NSFAS's intellectual property including registered trademarks, designs and patents, commercialization, and publications.
- 8.7. Technical records relating to NSFAS's ICT infrastructure, physical infrastructure, and construction blueprints.
- 8.8. Records relating to real property leased or owned by NSFAS wholly or partly, including property deeds, leases, uses, and records of third party rights.

Further details regarding the types of Personal Information Processed by NSFAS is included in clause 13 below and in its Privacy Policy, which can be accessed on the NSFAS website, using the following link: www.nsfas.org.za or by requesting a copy from NSFAS's Information Officer and / or Deputy Information Officer, whose details appear in clause 6 of this Manual.

9. SERVICES AVAILABLE TO THE PUBLIC

The services offered by NSFAS can be viewed by visiting the NSFAS website at www.nsfas.org.za.

10. REQUESTS FOR RECORDS

10.1. A Requester must be given access to a Record of NSFAS, as a public body, if the Requester complies with all the procedural requirements of PAIA relating to the request for access to that Record (except where the record contains Personal Information about the Requester as contemplated in clause 7), and access to that Record is not refused on any grounds of refusal mentioned in PAIA. NSFAS shall be obligated to make mandatory disclosures to the extent contemplated in PAIA. Note that PAIA only applies to Records which are in existence at the time of the Request.

10.2. In order to make a Request:

10.2.1. Requesters should first consider whether the information or record they require is under NSFAS's control. Requests for records or information that are most likely to be held or be under the control of another body should be directed to that body. Requests to NSFAS for records that might possibly be referred to or held by another body, may delay the response to your request. Information can also be viewed on the NSFAS website at www.nsfas.org.za to ensure that the information requested is not publicly available.

- 10.2.2. A Request must be made in the prescribed form (Form 2 under Annexure B to the Regulations, annexed to this Manual as Annexure A) to the Information Officer of NSFAS at the physical address, fax number, or email address listed under paragraph 6 of this Manual.
- 10.2.3. The Request must include the following information:
 - 10.2.3.1. Sufficient particulars to enable an official of NSFAS to identify the Record(s) requested and the Requester, including a certified copy of the Requester's identity document.
 - 10.2.3.2. The applicable form of access to the Record(s) requested.
 - 10.2.3.3. Whether the Record is preferred in a particular language.
 - 10.2.3.4. The electronic mail address, South African postal address or fax number of the Requester.
 - 10.2.3.5. If, in addition to a written reply, the Requester wishes to be informed of the decision on the Request in any other manner (for example, by telephone), to state that manner and the necessary particulars to be so informed.
 - 10.2.3.6. If the Request is made on behalf of a person, to submit proof of the capacity in which the Requester is making the Request, to the reasonable satisfaction of the Information Officer. In the case of NSFAS, a special power of attorney and certified copy of the identity document of the person on whose behalf in which the Requester is making the Request shall be required.
- 10.2.4. If, because of illiteracy or a disability, a Requester is unable to make a request for access to a record of a public body in accordance with the above, the Requester may make that Request orally. The Information

Officer of NSFAS must then reduce that oral request to writing in the prescribed form and provide a copy thereof to the Requester.

- 10.2.5. The Requester must pay the request fee, listed under Annexure B of the PAIA Regulations, before the Request is considered.

11. FEES

It may be necessary to pay fees for access to records in terms of PAIA. These fees are contained in Annexure B of the PAIA Regulations, annexed to this Manual as Annexure B.

Note that it shall be the responsibility of the Requester to ensure that they are acquainted with the most up-to-date version of the fees payable in these circumstances and, should the Requester require clarity on such fees, the Requester may request such clarity from the Information Officer in the manner provided for elsewhere in this Manual.

12. EXEMPTIONS FROM PAYING THE ACCESS FEE

12.1. The following persons are exempt from paying the access fee contemplated in clause 11:

- 12.1.1. A single person whose annual income, after permissible deductions, does not exceed R14 712.00 per annum.
- 12.1.2. Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27 192, 00 per annum.

12.2. The access fee shall not apply:

- 12.2.1. where the cost of collecting any fee contemplated in clause 11 exceeds the amount charged;
- 12.2.2. to the personal record of a Requester; and
- 12.2.3. to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in

terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

13. DECISIONS ON REQUEST AND NOTICE THEREOF

- 13.1. The Information Officer of NSFAS must, as soon as reasonably possible, but within 30 days after the Request is received, decide whether or not to grant the Request and notify the Requester of this decision (the **"Notice"**). The period within which to deal with the Request may be extended in accordance with section 26 of PAIA. However, if the Information Officer fails to give a decision for the Request within the prescribed period (included any extended period), then it will be regarded as having refused the Request.
- 13.2. Where the Requester wished to be informed of the decision in a specified manner, then the Requester must be informed and the Notice provided in that manner, if it is reasonably possible to do so.
- 13.3. If the Request is granted, the Requester may be required to pay certain fees to NSFAS before accessing the Record(s) requested. The Requester will be informed of this by NSFAS, which shall levy such fees as prescribed under section 22 of PAIA and Annexure B of the PAIA Regulations. NSFAS may withhold the requested Record(s) until such time as the prescribed fees are paid.
- 13.4. The Requester may lodge an internal appeal to the Executive Committee of the Board of NSFAS, against the access fee to be paid or the form of access granted.
- 13.5. The Request may be refused in the event that there are grounds for refusal.
 - 13.5.1. The grounds for refusal as out in Chapter 4 of PAIA, include the mandatory or discretionary protection of:
 - 13.5.1.1. the privacy of a third party who is a natural person;
 - 13.5.1.2. the commercial information of a third party;
 - 13.5.1.3. certain confidential information of a third party;
 - 13.5.1.4. safety of individuals, and protection of property;

- 13.5.1.5. records privileged from production in legal proceedings;
- 13.5.1.6. the economic interests and financial welfare of the Republic and the commercial activities of public bodies;
- 13.5.1.7. commercial information of a third party private body;
- 13.5.1.8. research information of a third party, and protection of research information of a private body; and
- 13.5.1.9. the operations of public bodies;

13.5.2. The Request may also be refused if it is a manifestly frivolous or vexatious request, or a substantial and unreasonable diversion of resources, as outlined in section 45 of PAIA, or if granting the Request would be in contravention of any other piece of legislation, including POPIA.

13.6 If all reasonable steps have been taken to find a Record and there is reason to believe that the Record is in NSFAS's possession but cannot be found, or does not exist, then the Information Officer must notify the Requester in the format prescribed by section 23 of PAIA.

13.7 If the Request is refused, the Notice must *inter alia* state adequate reasons for the refusal, including the provisions of PAIA relied upon. In such case, the Requester may lodge an internal appeal to the Executive Committee of the Board of NSFAS.

14. PERSONAL INFORMATION

14.1. Categories of Data Subjects

NSFAS Processes (or has Processed in the past or may in future Process) Personal Information in respect of the following categories of Data Subjects:

- 14.1.1. Eligible students
- 14.1.2. Applicants for NSFAS funding

- 14.1.3. NSFAS funders
- 14.1.4. Third parties with whom NSFAS engages such as independent contractors
- 14.1.5. NSFAS employees and interns
- 14.1.6. Visitors to NSFAS premises
- 14.1.7. Any parties who engage NSFAS in any capacity

14.2. **Types of Personal Information Collected**

NSFAS Processes the following types of Personal Information:

- 14.2.1. Identity data: name and registration number of any company or entity if the Data Subject is a juristic person, first name and surname and identity number if the Data Subject is a natural person or the representative of a natural person
- 14.2.2. Contact data: address, email address, contact number
- 14.2.3. Financial data: bank account, credit profile, and credit history
- 14.2.4. Medical and biometric data: medical history, biometric data, and related information
- 14.2.5. Education and employment data: related to education and employment history, including academic transcripts
- 14.2.6. Preference data: personal opinions, views or preferences
- 14.2.7. Transaction data: details about payments and ongoing engagements with NSFAS
- 14.2.8. Historic information: information about previous residences, employment history, and related information
- 14.2.9. Technical data: includes all types of cookies, IP address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices used to access this Website, as well as information about users' visits, including the full URLs, clickstream to,

through and from the NSFAS website (including date and time), products viewed or searched for, page response times, errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs) and methods used to browse away from the page

14.2.10. Profile data: username and password, applications made, Data Subjects' interests, preferences, feedback and survey responses

14.2.11. Usage data: information about how Data Subjects use the NSFAS website

14.2.12. Marketing and communications data: preferences in receiving marketing from NSFAS and communication preferences

14.2.13. Correspondence: all data exchanged when corresponding with NSFAS

14.2.14. Special Personal Information: relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth.

14.2.15. Criminal history

14.3. **Manner of Collection of Personal Information**

NSFAS collects Personal Information either directly from Data Subjects or indirectly where it is required to do so to exercise its public functions or authorised to do so in terms of POPIA or any Applicable Laws.

14.4. **Purpose of Processing Personal Information**

All Personal Information Processed by NSFAS will be for the purpose of carrying out its functions, as recorded in NSFAS's Privacy Policy and as mandated under the NSFAS Act and by any Applicable Laws. For avoidance of any doubt, this includes Processing in all manners contemplated under POPIA, including the collection, use, retention, and disclosure to third parties of Personal Information.

14.5. Requests for Personal Information

A person has the right to know whether NSFAS Processes their Personal Information or the Personal Information of a person who they are duly authorised to represent and, if so, the extent of such Processing. A request for this information must be sent in accordance with this Manual.

14.6. Objection to Processing of Personal Information

A Data Subject has the right to object to the manner in which NSFAS Processes their Personal Information. Such objection must be directed to the Deputy Information Officer at the address stated in clause 6.

15. ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

15.1. Students and staff may participate in policy and decision-making processes of NSFAS in accordance with the provisions of the NSFAS Act, as well as in terms of PAIA and those internal procedures as agreed with student and staff representative bodies from time to time.

15.2. Other interested persons may submit their comments or proposals in writing to the Deputy Information Officer at the address stated in clause 6.

16. REMEDIES AND APPEALS AGAINST DECISIONS

16.1. A Requester who is aggrieved by a decision of the Information Officer may lodge an interna appeal with the Executive Committee of the NSFAS board.

16.2. NSFAS's internal appeal process is informed by Part 4 of PAIA.

16.2.1. The Executive Committee of the NSFAS board, established in terms of section 10 of the NSFAS Act is the "relevant authority" to whom internal appeals must be submitted for review.

16.2.2. Such appeals must be addressed to the Information Officer, at the physical address, fax number, or email address listed under clause 6 of this Manual.

- 16.2.3. The appeal must be lodged within 30 days from the date on which the Requester is informed of the outcome of the decision, or within 30 days from the date on which it is deemed that the request is refused. If the internal appeal is lodged after the lapse of this period, the Executive Committee may, upon good cause shown, allow the late lodging of the internal appeal. If the Executive Committee disallows the late lodging of the internal appeal, it shall give notice of that decision to the appellant.
- 16.2.4. The appeal must be lodged in the prescribed form (Form 4 under Annexure B to the PAIA Regulations, annexed as Annexure C to this Manual). The appeal must identify the subject of the internal appeal and state the reasons for the internal appeal, and may also include any other relevant information. The appellant must also specify an email address, postal address or fax number. If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, they must state the manner in which they wish to be informed and provide the necessary particulars to be so informed.
- 16.2.5. The appellant must also pay the prescribed fee. The Executive Committee may defer its decision on the internal appeal until such time as the prescribed fee is paid. The prescribed fees in respect of public bodies are listed under Annexure B to the PAIA Regulations.
- 16.3. If the Requester is aggrieved by the decision of the Executive Committee on the internal appeal, the Requester may apply to Court for appropriate relief or lodge a complaint with the Information Regulator.
- 16.4. A Requester may apply to Court or lodge a complaint with the Information Regulator only after having complied with the internal appeal process provided for in this Manual.

- 16.5. A complaint to the Information Regulator must be lodged in the prescribed form (Form 5 under Annexure B to the PAIA Regulations) by completing the online complaint form available at <https://www.justice.gov.za/infoereg/> or emailing the Information Regulator at PAIAComplaints@infoeregulator.org.za.
- 16.6. In the event that an internal appeal, complaint to the Information Regulator, or an application to a court, whichever is applicable, is lodged against the granting of a request for access to a record, access to that record will only be granted if the decision to grant the request is finally confirmed pursuant to the internal appeal, Information Regulator complaint, or court application.