Prepared in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000).

This manual is available in the following three official languages: English, Afrikaans and Setswana

It may be downloaded from the university website tut.ac.za and on request from the Deputy Information Officer at paia@tut.ac.za

Office of the Chief Information Officer
# Access to Information Manual

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1. TSHWANE UNIVERSITY OF TECHNOLOGY

Tshwane University of Technology is a higher education institution established in terms of the Higher Education Act, 1997 (Act No. 101 of 1997) following the merger of Technikon Northern Gauteng, Technikon Pretoria and Technikon North West.

1.1. VISION

Pioneering an enterprising and transformative brand of twenty-first century University of Technology scholarship

1.2. MISSION

We will support our students to achieve their highest potential in a safe, enabling and conducive environment by:

- Fostering a scholarship of teaching and learning
- Providing relevant and competitive academic programmes with seamless articulation pathways
- Investing in state-of-the-art technology
- Conducting relevant research and promoting innovation, engagement and social enterprise

1.3. VALUES

We commit to:

- Social accountability
- Duty of care
- Non-discrimination
- Greening the environment
2. DEFINITIONS

The terms used in this manual are consistent with the definitions contained in the Act, unless the context determines otherwise, and include the following:

"Evaluative material" means an evaluation or opinion prepared for the purpose of determining –

(a) The suitability, eligibility or qualifications of the person to whom the evaluation or opinion relates –

i) For employment or for appointment to office;

ii) For promotion in employment or office or for the continuance in employment or office;

iii) For removal from employment or office; or

iv) For the awarding of a scholarship, award, bursary, honour, or similar benefit; or

(b) Whether any scholarship, award, bursary, honour or similar benefit should be continued, modified, cancelled or renewed.

"Information officer" means the Vice-Chancellor and Principal as the Chief Executive Officer, or the person who is acting as such.

"Personal information" means information about an identifiable individual, including but not limited to –

a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;

b) Information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

c) Any identifying number, symbol or other particular assigned to the individual;

d) The address, fingerprints or blood type of the individual;

The personal opinions, views, or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;

e) Correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

The views and opinions of another individual about the individual;
The views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and,

f) The name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

"Record" means any recorded information, regardless of form or medium, in the possession or under the control of the University, and whether or not it was created by the University.

"Student" refers to an individual who is registered for any programme at the University, or who is in between academic terms and is eligible for re-registration.


"The University" means the Tshwane University of Technology, established as a University in terms of the Higher Education Act, 1997 (Act No. 101 of 1997) as amended,

"Third party" means any person other than the requestor concerned or a public body.
3. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

ADDRESS

THE DEPUTY INFORMATION OFFICER
TSHWANE UNIVERSITY OF TECHNOLOGY
OFFICE OF THE CHIEF INFORMATION OFFICER
PRIVATE BAG X680
PRETORIA
0001
STAATSARTILLERIE ROAD
PRETORIA WEST
PAIA@TUT.AC.ZA

TELEPHONE NUMBER: (012) 382-5121

WEBSITE ADDRESS: WWW.TUT.AC.ZA

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<th>INFORMATION OFFICER</th>
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<tr>
<td>VICE-CHANCELLOR</td>
<td>(012) 382-4112</td>
<td><a href="mailto:PAIA@TUT.AC.ZA">PAIA@TUT.AC.ZA</a></td>
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<td>DEPUTY INFORMATION OFFICER</td>
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<td>DR D NAIDOO</td>
<td>(012) 382 2858</td>
<td><a href="mailto:PAIA@TUT.AC.ZA">PAIA@TUT.AC.ZA</a></td>
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4. **STRUCTURES OF THE UNIVERSITY**

4.1. **COUNCIL**

The Council is the highest governance structure of the University and governs the University in accordance with the Higher Education Act, Statute and the Rules OF THE University. The Council consist of not more than (30) thirty members of whom more than 60 per cent are persons who are not employees or students. The Vice-chancellor is an ex-officio member of council.

4.2. **SENATE**

The Senate is responsible for and accountable to Council in respect of teaching, learning, and research and academic of matters of the University. The members of Senate are mainly the academic staff of the University. Students and non-academic staff are also represented in the Senate. The Vice-Chancellor is the chairperson of Senate.

4.3. **INSTITUTIONAL FORUM**

The Institutional Forum advises Council on a number of issues listed in the Higher Education Act affecting the University, and performs such other functions as determined by the Council. The Institutional Forum is composed of representatives of the main stakeholders of the University.

4.4. **STUDENT SERVICES COUNCIL**

The Student Services Council advises the Council on the polity for student support services, and performs such other functions as determined by the Council. The Student Services Council is composed of the heads of the various support divisions, student representatives, academic staff and other stakeholders of the University. The Vice-chancellor is the chairperson of the Student Services Council.

4.5. **STUDENT REPRESENTATIVE COUNCIL (SRC)**

The Student Representative Council consists of the Institutional SRC and 6 (six) Local SCRs. The primary responsibility of the SRC is to represent students in matters that affects them, including liaison with the Council, the Senate, the Management, the general public, other Institutions, student representative councils of other institutions, national or international student organizations and unions.

4.6. **EXECUTIVE MANAGEMENT COMMITTEE (EMC)**

The Executive Management Committee assists the Vice-Chancellor in the day-to-day management and administration of the University. The Executive Management Committee consists of the Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, the Chief Financial Officer and any other employees as determined by the Vice-Chancellor. The Vice-Chancellor is the chairperson of the Executive Management Committee.
5. INTRODUCTION

The manual is compiled in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (hereinafter referred to as “the Act”) to give effect to the Constitutional right to access to information, as contained in section 32 (1) of the South African Constitution. The manual contains procedures that must be followed by any person wishing to gain access to such information and set out the fees that are payable in terms of the Act.

The Information Officer for the University is the Vice-Chancellor. The Act confers powers and imposes duties on the Information Officer.

A Deputy Information Officer has been appointed, and power has been delegated to the deputy information officer in order to ensure that there are sufficient resources to make information held by the University as accessible as reasonably possible for requesters of such information. The deputy information officer will receive requests for information and will decide, in accordance with the provisions of the Act and this manual, whether to provide that information to the requester.

6. GENERAL GUIDELINES ON ACCESS TO INFORMATION

6.1. The University will maintain only relevant information that is necessary for the achievement of its objectives, and information that it is authorised OR REQUIRED by law to maintain.

6.2. The University will periodically review the information, which it holds, to ensure that all records maintained are accurate, relevant and complete.

6.3. The University has a duty to ensure reasonable protection of privacy, commercial confidentiality, and good governance. In order to fulfil this duty, it will keep secure all personal, confidential and other relevant information, and will ensure that no information is transferred inside or outside the University, unless such transfer is in accordance with the requirements of the Act and this manual.

7. DUTIES OF INFORMATION OFFICER

7.1. The information officer shall appoint deputy information officer/s and delegate his or her powers to such deputy information officer/s in writing.

7.2. The information officer shall cause himself or herself and deputy information officer/s to be properly trained to enable them to fulfil all their obligations in terms of the Act.

7.3. The Act requires the Information officer to compile a manual in three official languages. The information contained in the manual shall include, but not be limited to –

(a) Contact details of the information and deputy information officers;

(b) Details on how to request access to information;
(c) A description of the subjects on which the University holds records and the categories of records held on each subject; AND
(d) Information that is automatically available without a person having to request access in terms of the Act.

7.4. The information officer shall cause records to be kept of the number of –
(a) Requests for access received;
(b) Requests for access granted fully or in part;
(c) Requests for access denied fully or in part;
(d) Applications made to court on the ground that a request or an internal appeal was dismissed; AND
(c) Instances in which the periods stipulated in the Act were extended in terms of the Act.

8. DUTIES OF THE DEPUTY INFORMATION OFFICER

8.1. Once a deputy information officer has received a request for access to a particular record held by the University, he or she will take all reasonable steps necessary to preserve that record until –
(a) Such time as the request has been granted or denied;
(b) The periods for lodging an internal appeal, application to court or appeal against such the outcome of such application, have expired; AND
(c) The application to court, or appeal against the outcome of such application, has been finally determined.

8.2. When a deputy information officer has received a request for access to a particular record, he or she will make a decision whether to grant access to Such record within a period of thirty (30) days of receiving such request.

8.3. If a deputy information officer fails to give a decision on a request for access to information within thirty (30) days of such request being received, then such request is deemed to have been refused, and the requester may then lodge an application to court against such refusal.
9. REQUESTS FOR ACCESS TO INFORMATION

9.1. Any individual may request and be informed whether the University maintains records on them. Any such enquiry must be made in writing (or electronically) to the relevant deputy information officer. The relevant fees, if applicable must accompany such enquiry.

9.2. Any individual may request to inspect the records that the University maintains on them. Such request must be made in writing or electronically on the prescribed form, to the deputy information officer, accompanied by the relevant fees, if applicable.

9.3. Individuals on whom the University maintains records have the right to request correction of facts, deletion of errors or additions to be made to such records. Such request must be made in writing or electronically to the relevant deputy information officer.

9.4. Any person, including a third party, requiring information that is held by the University, may request access to such information. Such request must be made in writing (or electronically) on the prescribed form, to the deputy information officer, accompanied by the relevant fees, if applicable.

9.5. The University, through its deputy information officer, may refuse access to any record that is regarded as personal or confidential according to the Act.

9.6. The University, through its deputy information officer, will refuse access to any record, the disclosure of which could reasonably be expected to endanger the life or physical or psychological safety of any individual.

9.7. The University may refuse access based on other grounds provided by the Act.

10. PROCEDURE FOR REQUESTS FOR ACCESS TO INFORMATION

10.1. A request for access to information must be made to the deputy information officer on the prescribed form, Form A (see Annexure 1). The requester must provide full particulars of the record to which access is requested.

10.2. The prescribed request, access and reproduction fees, and deposit, if applicable, must be paid to cost centre........entity no....... at the time of making a request (see Annexure 2 for prescribed fees)

10.3. On receiving a request, accompanied by the required fees, if applicable, the deputy information officer will, within thirty (30) days, decide whether to grant the request or not.

10.4. A record will be withheld until the requester has paid the applicable fees.
11. APPLICATIONS TO COURT

11.1. The University does not have an internal appeal procedure.

11.2. A requester or a third party, as the case may be, may only apply to court for appropriate relief against a decision of the deputy information officer or the information officer.

11.3. A requester or a third party, as the case may be, may, by way of application, apply to court for relief in terms of section 82 of the Act within thirty (30) days.

12. OFFENCE

It is an offence for any person to destroy damage, conceal or falsify any information held by the University with the intent to deny another person right of access to such information.

13. STAFF RECORDS

13.1. The University will maintain records on staff that contain information pertaining to the individual only to the extent that it is necessary and relevant for official University purposes.

13.2. The University will respect the privacy of its staff. In order to ensure this, no personal information which the University holds on an individual will be disclosed to a third party, unless such disclosure –

(a) Reveals evidence of a contravention of the law; OR

(b) Reveals evidence of an imminent and serious public safety or environmental risk; AND

(c) The public interest in the disclosure of the record outweighs the potential harm to the staff member.

13.3. Notwithstanding paragraph 12.2 above, personal information of a staff member must be disclosed if –

(a) The staff member has consented to its disclosure;

(b) The staff member was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;

(c) Such information is already publicly available;

(d) The information requested is about a deceased individual and the requester is the deceased individual’s next of kin, or written consent has been given by the deceased’s next of kin; OR

(e) The information relates to the position or functions of the staff member, including but not limited to the fact that the individual is or was an official or
employee of the University; the title, work address work phone number and other similar particulars; the classification, salary scale and responsibilities, the position held or services performed by the individual; or the name of the individual on a record prepared by the individual during the course of his or her employment.

13.4. A staff member has the right to enquire and be notified of whether the University maintains records on him or her, and whether such records may be inspected. However, this is subject to the right of the University to refuse to disclose records in terms of the provisions of the Act.

13.5. A staff member is entitled to request the correction of facts, deletion of errors or additions to be made in the records that are held on him or her by the University.

13.6. A request for access to a staff member’s record may be refused if the request is manifestly frivolous or vexatious, or if the work involved in processing the request would substantially and unreasonably divert the resources of the University.

13.7. Any person requesting information that the University holds on a staff member must make such request on the prescribed application form, Form A, accompanied by the relevant fees, if applicable.

14. STUDENT RECORDS

14.1. The University will only retain information on a student to the extent necessary and relevant for official University purposes.

14.2. The University will respect the privacy of students. In order to ensure this, No personal information that the University holds on a student will be disclosed, unless such information –

(a) Reveals evidence of a contravention of the law; OR

(b) Reveals evidence of an imminent and serious public safety or environmental risk; AND

(c) The public interest in the disclosure of information outweighs the potential harm to the student.

14.3. Notwithstanding paragraph 13.2 above, personal information about a student must be disclosed if –

(a) The student has consented to the disclosure;

(b) The student was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;

(c) Such information is already publicly available; OR
(d) The information requested is about a deceased student and the requester is the deceased student’s next of kin, or written consent has been given by the deceased student’s next of kin.

14.4. A student has the right to enquire and be notified of whether the University maintains records on him or her and whether such records may be inspected. However, this is subject to the University’s right to refuse to disclose any record that contains evaluative material. Marked examination papers are not deemed to be evaluative material for the purposes of this policy.

14.5. A student is entitled to request a correction of facts or deletion of errors to be made in the records that are held on him or her by the University.

14.6. The names, address and qualifications of a student will only be made available to a third party requesting such information if –
   (a) The third party is requesting such information in his or her capacity as a prospective employer of the student; AND
   (b) The University is legally obliged to disclose such information.

14.7. A student shall, as a condition of enrolment, give written authorisation for the disclosure of relevant personal information to his or her employer and to bona fide prospective employers.

14.8. Only relevant personal information of a student will be made available to internal staff or bodies of the University, and only if such information is requested or official University purposes.

14.9. A request for access to a student’s record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

14.10. Any person requesting information that the University holds on a student must make such request on the prescribed application form, accompanied by the relevant fees, if applicable.

15. ALUMNI RECORDS

15.1. The University will only retain information on an alumnus or alumna to the extent necessary and relevant for official University purposes.

15.2. The University will respect the privacy of alumni. In order to ensure This, no personal information will be disclosed, unless such disclosure –
   (a) Reveals evidence of a contravention of the law;
   (b) Reveals evidence of an imminent and serious public safety or environmental risk; AND
(c) The public interest in the disclosure of information outweighs the potential harm to the alumnus or alumna.

15.3. Notwithstanding paragraph 14.2 above, personal information of an alumnus or alumna must be disclosed if –

(a) The alumnus has consented to the disclosure;

(b) The alumnus was informed, before such personal information was given to the University, that the information belongs to a class of information that would or might be made available to the public;

(c) Such information is already publicly available; OR

(d) The information requested is about a deceased alumnus and the requester is the deceased’s next of kin, or written consent has been given by the deceased’s next of kin.

(e) Alumni have the right to enquire and be notified of whether the University maintains records on them and whether such records may be inspected. However, this is subject to the University’s right to refuse to disclose any record that contains evaluative material.

15.4. Alumni are entitled to request a correction of facts or deletion of errors to be made in the records that are held on them by the University.

15.5. The names, addresses and qualifications of alumni will only be made available to a third party requesting such information if –

(a) The third party is requesting such information in his or her capacity as an employer or a prospective employer; AND

(b) The University is legally obliged to disclose such information.

15.6. Only relevant personal information of an alumnus or alumna will be made available to internal staff or bodies of the University, and only if such information is requested for official University purposes.

15.7. A request for access to an alumnus’ record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

15.8. Any party requesting information that the University holds on an alumnus or alumna must make such request on the prescribed application form, accompanied by the relevant fees, if applicable. The request must be made to the relevant deputy information officer.
16. **THIRD-PARTY RECORDS**

16.1. The deputy information officer must refuse a request for a record if the disclosure would be in breach of a duty of confidence owed to a third party in terms of an agreement. However, such a request may not be refused if –

(a) The record is already publicly available; OR

(b) The third party has consented to its disclosure.

16.2. The deputy information officer must refuse access to a record that –

(a) Contains trade secrets of a third party;

(b) Contains financial, commercial, scientific or technical information, the disclosure of which is likely to cause commercial or financial harm to the third party;

(c) Is likely to put the third party at a disadvantage in contractual or other negotiations; OR

(d) Is likely to prejudice the third party in commercial competition.

16.3. Notwithstanding paragraph 15.2 above, a record may not be refused if it consists of information –

(a) That is already publicly available;

(b) That the third party has consented to its disclosure; OR

(c) That is about the results of environmental testing or other investigations and its disclosure would reveal a serious public safety or environmental risk.

16.4. The deputy information officer may refuse access to a record supplied to it by a third party if –

(a) It is likely to prejudice the future supply of similar information or information from the same source; AND

(b) It is in the public interest that similar information or information from the same source should continue to be supplied.

16.5. Notwithstanding paragraph 15.4 above, a record may not be refused if –

(a) It is already publicly available; OR

(b) The third party has consented to its disclosure.

16.6. Any person requesting information that the University holds relating to a third party, must make such request on the prescribed application form, accompanied by the relevant fees, if applicable.
17. **FINANCIAL AND COMMERCIAL RECORDS**

17.1. Access to financial and commercial records may be refused if such record –

(a) Contains trade secrets of the State or the University;

(b) Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or the University;

(c) Contains information, the disclosure of which could put the University at a disadvantage in contractual or other negotiations or prejudice the University in commercial competition; OR

(d) Is a computer program, as defined in section 1(1) of the Copyright Act, 1978 (Act No. 98 of 1978), and owned by the University.

17.2. Notwithstanding the above paragraph, a commercial or financial record may not be refused if it consists of information –

(a) Already publicly available;

(b) About another public body, which body has consented in writing to the disclosure; OR

(c) About the results of any product or environmental testing carried out by or on behalf of the University, and its disclosure would reveal a serious public safety or environmental risk.

17.3. A request for access to a financial or commercial record held by the University may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

17.4. A request for access to a financial or commercial record must be disclosed if-

(a) It reveals evidence of a contravention of the law, OR

(b) It reveals evidence of an imminent and serious public safety or environmental risk, AND

(c) The public interest in the disclosure of the information outweighs the potential harm to the requester.

17.5. Any person requesting financial or commercial information must make such a request, on the prescribed application form, to the deputy information officer.
18. OPERATIONAL RECORDS

18.1. Requests for records relating to the operational aspects of the University may be refused if—

(a) The record contains an opinion, advice, report, or recommendation obtained by and/or prepared by the University;

(b) The record is an account of a consultation, discussion, or deliberation that has occurred for the purpose of assisting to formulate a policy or take a decision on the exercising of a power, performance or duty imposed on the University by law;

(c) The disclosure of the record can reasonably be expected to frustrate the deliberative process in the University or between the University and another public body by inhibiting the candid communication of an opinion, advice, report, or recommendation or inhibiting the candid conducting of a consultation, discussion, or deliberation;

(d) It would amount to a premature disclosure of a policy with the result that it could reasonably be expected to frustrate the success of that policy;

(e) The disclosure could jeopardise the effectiveness of a testing, examining or auditing procedure or method used by the University;

(f) The record contains evaluative material and disclosure thereof would breach an express or implied promise which was made to the person who supplied the material to the effect that the material or the identity of the provider, or both, would be held in confidence; OR

(g) The record contains a preliminary, working or other draft of an official of the University.

18.2. Notwithstanding paragraph 17.1 above, an operational record may not be refused if it came into existence more than 20 years before the request was made.

18.3. A request for access to an operational record must be disclosed if—

(a) It reveals evidence of a contravention of the law; OR

(b) It reveals evidence of an imminent and serious public safety or environmental risk; AND

(c) The public interest in the disclosure of information outweighs the potential harm to the requester.

18.4. A request for access to an operational record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.
18.5. Any person requesting operational records must make such a request, on the prescribed application form, to the deputy information officer.

19. **RESEARCH RECORDS**

19.1. Access to records containing information about research being conducted or to be carried out by or on behalf of a third party, must be refused if the disclosure would be likely to expose –

(a) The third party;

(b) A person that is or will be carrying out research on behalf of a third party; or

(c) The subject matter of the research, to serious disadvantage.

19.2. Access to records containing information about research being conducted or to be carried out by or on behalf of the University, may be refused if the disclosure would be likely to expose –

(a) The University;

(b) The person who will be carrying out the research on behalf of the University; or

(c) The subject matter of the research, to serious disadvantage.

19.3. A request for access to research records may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

19.4. Notwithstanding paragraphs 18.1 and 18.2 above, a request for access to research Records must be granted if –

(a) It reveals evidence of a contravention of the law; or

(b) It reveals evidence of an imminent and serious public safety or environmental risk; and

19.5. The public interest in the disclosure of information outweighs the harm to the requester.
20. **E-MAIL RECORDS**

20.1. The computer facilities of the University are intended for official and/or research purposes only, and personal use by staff and students should be kept to a minimum.

20.2. Information stored on the University’s computer facilities is a record in the possession or under the control of the University.

20.3. Neither staff nor students of the University should have any expectation of privacy in relation to information stored on the University’s computers, except as provided by the Act.

20.4. The University encourages the use of electronic mail and respects the privacy of users and will therefore not routinely inspect, monitor or disclose electronic mail without the user’s consent. However, the University may, without the prior knowledge of the user, inspect, monitor, or disclose electronic mail sent by a user if it suspects that –

(a) The electronic mail facility is being abused; OR

(b) The electronic mail facility is being used for illegal or immoral purposes.

20.5. Users of the University’s computer facilities may not send out, use or disclose personal or confidential information stored on the University’s computers unless authorised by the University.

21. **AUTOMATICALLY AVAILABLE INFORMATION**

The following information is automatically available without a person having to request access in terms of the Act.

(a) Contact details of the information officer and deputy information officers.

(b) The access and reproduction fees payable by the requester of information.

(c) The University Chancellor’s details relating to University work.

(d) The composition and official contact details of the University’s Council.

(e) The composition and official contact details of the University’s Senate.

(f) The composition and contact details of the University’s Executive Management Committee.

(g) The composition and official contact details of the University’s Student Representative Council.
(h) The composition and official contact details of the University’s Institutional Forum and
Student Services Council.

(i) The number, race, and gender of University staff members.

(j) Salary scales of University staff.

(k) Minimum qualification requirements for new appointments to the various posts within
the University.

(l) Minimum entrance requirements for enrolment in the various programmes offered by
the University.

(m) The number, race, and gender of students in each faculty of the University.

(n) The University’s policy on financial aid offered to students.

(o) Fee structures for the University’s academic programmes.

(p) Residential fees and admission policies of the University.

(q) Names of all University alumni and qualifications conferred.

(r) The University’s disciplinary codes and procedures.

(s) The University’s grievance procedure.

(t) The University’s employment equity plan.

(u) The University’s workplace skills plan.

(v) The University’s employment equity report.

(w) Any information that the University is required to make available for inspection in
terms of other legislation.