STELLENBOSCH UNIVERSITY

(hereinafter "the University")

Regulations for recruiting Stellenbosch University persons as research participants and for conducting research on Stellenbosch University-held personal and institutional information

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Accessibility	General (external and internal)
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Owner of these regulations	Vice-Rector (Strategy and Internationalisation)
Institutional functionary responsible for these regulations	Senior Director: Information Governance
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Approved by	The Rectorate
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1. INTRODUCTION

The constitutional right to privacy and the constitutional right of access to information are enshrined in the South African Bill of Rights, Constitution of the Republic of South Africa, 1996. The Protection of Personal Information Act 4 of 2013 ("POPIA") and the Promotion of Access to Information Act 2 of 2000 ("PAIA") give effect to these rights respectively. Stellenbosch University is committed to protecting the privacy of our people and partners, in line with POPIA and related South African legislation, global leading practices, and our commitment to good institutional governance. Similarly, the University is also committed to fostering a culture of transparency and accountability through compliance with PAIA and commitment to information sharing. To help meet these goals, the University requires that any individual must first obtain institutional permission from the University's Division for Information Governance before:

- conducting research on University-held personal information and/or institutional information; and
- recruiting University students, staff, alumni, partners, and other stakeholders (based on their affiliation with University) as research participants.

Institutional permission serves as a key control to ensure that Stellenbosch University, and its researchers, comply with and give effect to South African privacy-related legislation.

2. IMPLEMENTATION OF THESE GUIDELINES

The University's Division for Information Governance must operationalise these guidelines within their divisional processes and procedures for receiving, tracking, reviewing, approving, and monitoring requests for institutional permission.

3. DEFINITIONS

'**External requestor**' is any requestor not affiliated with the University, or a staff member requesting permission in a different capacity, such as those registered as a student at another institution, or in a private capacity as allowed by University policies on outside work.

'**Institutional information**' is information about the University as an institution, including information about the University's operations, employees, students, alumni, partners, and other stakeholders.

'**Internal requestor**' is any requestor registered as a student of the University or employed by the University.

'**Personal information**', as defined in POPIA, means information relating to an identifiable, living, individual or company, including, but not limited to:

- 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 person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person 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 or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

'**Processing**', as defined in POPIA means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information including:

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

'**Research**', for the purpose of this document and as defined in the *Policy for Responsible Research Conduct at Stellenbosch University*, is any systematic enquiry aimed at producing new and generalisable knowledge, new meaning or a deeper understanding of meaning.

4.   PUPROSE OF THESE REGULATIONS
These regulations establish the need for the institutional permission process and further detail the institutional permission process for both internal and external requestors.

5.   AIM OF THESE REGULATIONS
   a)   To support efforts to give effect to the constitutional right to privacy within the University;

b) To enable research within the confines of applicable privacy and freedom of information legislation;
c) To complement and support the University's Research Ethics Committee structures, policies, and procedures; and
d) To support the management of risks surrounding personal information processing.

6. REQUESTING INSTITUTIONAL PERMISSION: STEPWISE APPROACH FOR INTERNAL REQUESTORS

These processes may take up to four weeks. Requestors are advised to submit their requests well in advance to avoid delaying their research projects. The University does not offer an expedited review process for any requestors.

Step 1: Determine if you require institutional permission

Many research projects done at the University require ethics approval before they may proceed. As it pertains to institutional permission and these regulations, the University's *Policy for Responsible Research Conduct at Stellenbosch University* requires that researchers obtain ethics approval from the relevant Research Ethics Committee, prior to the commencement of the research study, for all health research and any research involving interaction with or observation of human subjects, or information linked to human subjects, or research involving groups of individuals or organisations. The University's ethics approval application process includes a series of questions that will help a researcher identify their ethics approval and institutional permission requirements. An internal requestor may submit their request for ethics approval and institutional permission simultaneously.

For those research projects that do not require ethics approval, the research project owner should still conduct a privacy impact assessment, as detailed below under step 2, to identify their institutional permission requirements.

Step 2: Conduct a privacy impact assessment

A privacy impact assessment seeks to evaluate a proposed research project from a privacy legislation perspective, enabling assessors to identify potential privacy and personal information risks and design suitable controls to mitigate those risks. The University offers a privacy impact self-assessment tool, available from the Division for Information Governance. After completing the self-assessment, researchers should be well positioned to submit their request for institutional permission.

If you evaluate your research project as high risk or higher through your self-assessment, contact the Institutional Information Officer for assistance with a full privacy impact assessment.

Step 3: Submit your request for institutional permission

Requestors must submit their requests for institutional permission via www.sun.ac.za/permission. The online submission includes a short questionnaire, which helps our reviewers assess your request. Additionally, requestors must also upload the following documentation via the online request form:
- A research proposal;
- Proof of ethics approval (or proof of the application for ethics approval);
- Privacy impact self-assessment;
- Data collection mechanisms (if applicable); and
- Informed consent documentation (if applicable).

An internal requestor may submit their application for ethics approval (via the Research Ethics Committees) and request for institutional permission simultaneously.

Step 4: Review and approval or refusal

The Division for Information Governance follows a two-step process. A primary reviewer conducts an initial review of all submitted documentation. The reviewer may request additional information from the requestor. Thereafter, the primary reviewer drafts and presents a recommendation to one or more (based on the sensitivity of the request) secondary reviewers. A decision to approve or refuse the request is made based on the recommendation of the primary reviewer and by consensus between all reviewers involved.

The University retains the right to refuse any request, provided that it has legitimate reason to do so. These reasons, along with directions to appeal a refusal, will be presented to unsuccessful requestors.

Successful requestors will receive a letter containing any terms attached to their granted institutional permission.

Step 5: Obtain other Stellenbosch University clearances and permissions

Some areas within the University have additional permission requirements. The Division for Information Governance will direct requestors to the appropriate channels when applicable. For example, research involving Maties Sports members must also consider the Maties Sports calendar and individual team and member commitments. Thus, researchers must also obtain permission from the Chief Director: Maties Sports.

Step 6: Initiate research project

Once all the necessary approvals are in place, the researcher may initiate the research project. Do note that institutional permission does not guarantee access to participants or information repositories. Potential participants and information custodians maintain their right to refuse or withdraw from participation.

7. REQUESTS FOR INSTITUTIONAL PERMISSION: STEPWISE APPROACH FOR EXTERNAL REQUESTORS

These processes may take up to four weeks. Requestors are advised to submit their requests well in advance to avoid delaying their research projects. The University does not offer an expedited review process for any requestors.

Step 1: Obtain ethical clearance and determine if you require institutional permission

Many research projects done at the University require ethics approval before they may proceed. As it pertains to institutional permission and these regulations, the University's *Policy for Responsible Research Conduct at Stellenbosch University* requires that researchers obtain ethics approval from a Research Ethics Committee, prior to the commencement of the research study, for all health research and any research involving interaction with or observation of human subjects, or information linked to human subjects, or research involving groups of individuals or organisations. Most ethics approval application processes includes a series of questions that will help a researcher identify their institutional permission requirements.

External requestors must obtain ethics approval from a Research Ethics Committee registered with the South African National Health Research Ethics Council of the South African National Department of Health.

Stellenbosch University does not offer ethics approval services for external requestors. External requestors must thus acquire ethics approval from another Research Ethics Committee registered with the South African National Health Research Ethics Council (such as those available at their South African home institution).

Step 2: Identify a host

The University does not grant external researchers direct access to our systems and databases. Instead, external researchers must work through a University host. A host is typically a Stellenbosch University academic or department that can assist with logistics (such as those surrounding the distribution of electronic survey invitations, booking of venues for interviews and focus groups, and the scheduling of observation-based research opportunities) and/or provide more substantial support and guidance as experts in their field. A host, with the necessary pre-existing authorisations, can assist external researchers with the execution of their research within the bounds of our information goals, regulations, and requirements.

External requestors must identify and negotiate directly with potential hosts for assistance and support. External requestors may contact potential hosts directly through the relevant academic department or through the University's Knowledge Directory (http://www0.sun.ac.za/knowledge_directory/).

International students must further comply with the Guidelines for Affiliate Research Students as required by Stellenbosch University International (http://www.sun.ac.za/international/affiliate).

Step 3: Submit your request

Requestors must submit their request for institutional permission via www.sun.ac.za/permission. The online submission includes a short questionnaire, which helps our reviewers assess your request. Additionally, requestors must also upload the following documentation via the online request form:
- A research proposal;
- Proof of ethics approval;
- Details of the University host that will assist the external requestor;
- Data collection mechanisms (if applicable); and
- Informed consent documentation (if applicable).

Step 4: Review and approval or refusal

The Division for Information Governance follows a two-step process. A primary reviewer conducts an initial review of all submitted documentation. The reviewer may request additional information from the requestor. Thereafter, the primary reviewer drafts and presents a recommendation to one or more (based on the sensitivity of the request) secondary reviewers. A decision to approve or refuse the request is made based on the recommendation of the primary reviewer and by consensus between all reviewers involved.

The University retains the right to refuse any request, provided that it has legitimate reason to do so. These reasons, along with directions to appeal a refusal, will be presented to unsuccessful requestors.

Successful requestors will receive a letter containing any terms attached to their granted institutional permission. External requestors must return a signed copy of the letter to the Division for Information Governance

Step 5: Obtain other clearances and permissions

Some areas within the University have additional permission requirements. The Division for Information Governance will direct requestors to the appropriate channels when applicable. For example, research involving Maties Sports members must also consider the Maties Sports calendar and individual team and member commitments. Thus, researchers must also obtain permission from the Chief Director: Maties Sports.

Step 6: Initiate research project
Once all the necessary approvals are in place, the researcher may initiate the research project. Do note that institutional permission does not guarantee access to participants or information repositories. Potential participants and information custodians maintain their right to refuse or withdraw from participation.

8. INCOMPLETE REQUESTS
If a request does not contain enough information that would enable the Division for Information Governance to render a decision, the primary reviewer will ask the requestor for more information. If, after two weeks (14 days), the requestor does not provide the extra information, the Division for Information Governance will close the request, following the same process used to refuse a request.

9. NON-COMPLIANCE WITH THESE REGULATIONS
Failure to obtain institutional permission, before recruiting Stellenbosch University students, staff, or other stakeholders as research participants and/or conducting research on Stellenbosch University-held personal and institutional information, may render the University or the individual researchers non-compliant with South African privacy-related legislation. This non-compliance may lead to claims against Stellenbosch University and/or the individual researcher under South African legislation.

Based on the nature of the non-compliance, research methodologies, and the research data involved, Stellenbosch University may execute its information breach procedures.

Stellenbosch University may take disciplinary action against internal researchers for non-compliance with these regulations. Stellenbosch University may report non-compliance with the regulations to an external researcher's home institution.

10. CONTROL OVER THESE REGULATIONS
The Senior Director: Information Governance owns these regulations as owner of the institutional permission process. S/he is responsible for the existence, implementation of these regulations, monitoring of compliance to these regulations, and reporting compliance and non-compliance of these regulations to the University's Rectorate.

The Institutional Information Officer serves as curator of these regulations. S/he is responsible for the formulation, approval, maintenance and revision, and communication and release of these regulations. This includes monitoring and accounting for changes in the applicable legislations.

11. RELATED DOCUMENTATION
Guidelines for Affiliate Research Students
Policy for Responsible Research Conduct at Stellenbosch University
Stellenbosch University Manual in terms of section 14 and 51 of the Promotion of Access to Information Act 2 of 2000

Stellenbosch University Privacy Regulation

Stellenbosch University Information Management Policy