

NATIONAL STUDENT FINANCIAL AID SCHEME
**MANUAL IN TERMS OF SECTION 14(1) OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, No. 2 OF 2000**

1. DESCRIPTION OF STRUCTURE AND FUNCTIONS OF THE NATIONAL STUDENT FINANCIAL AID SCHEME

1.1 In this manual, the National Student Financial Aid Scheme is referred to as "NSFAS".

1.2 NSFAS was created as a juristic person by section 3(1) of the National Student Financial Aid Scheme Act, No. 56 of 1999 ("the NSFAS Act").

1.3 **Purpose of NSFAS**

1.3.1 The purpose of NSFAS is summed up in section 2(1) of the NSFAS Act, namely to establish and operate a financial aid scheme for students at higher education institutions.

1.3.2 The preamble to the NSFAS Act explains that NSFAS has been created to :

- Redress past discrimination and ensure representivity and equal access.
- Respond to the human resource development needs of the nation.
- Establish an expanded national student financial aid scheme that is affordable and sustainable.

1.4 **Structure of NSFAS**

1.4.1 In terms of section 3(2) of the NSFAS Act, NSFAS is managed, governed and administered by the NSFAS Board.

- 1.4.2 The NSFAS Board consists of at least 14 but not more than 18 members.
- 1.4.3 The Minister of Education must appoint 13 members of the Board, including one member nominated by the Minister of Finance and three members nominated by national organisations representing students.
- 1.4.4 In addition, a chief executive officer ("CEO") must be appointed by the Board; the CEO is the *ex officio* secretary of the Board, but has no voting rights.
- 1.4.5 The Board is entitled to co-opt up to four additional members.
- 1.4.6 The CEO manages and administers the affairs of NSFAS under the authority of, and reports to, the Board.
- 1.4.7 The Board appoints such other employees as it deems necessary to assist the CEO in managing and administering NSFAS.
- 1.4.8 The Board is obliged to establish an Executive Committee and a Finance Committee, and is entitled to establish such other committees as it deems necessary. Those committees report to and advise the Board.
- 1.4.9 The Board submits an annual report to the Minister of Education, who is obliged to table that report in parliament.
- 1.4.10 NSFAS is audited annually by the Auditor-General.

1.5 **Functions of NSFAS**

In terms of section 4 of the NSFAS Act, the functions of NSFAS are :

- 1.5.1 To allocate funds for loans and bursaries to eligible students.
- 1.5.2 To develop criteria and conditions for the granting of loans and bursaries to eligible students in consultation with the Minister of Education.

- 1.5.3 To raise funds as contemplated in section 14(1) of the NSFAS Act.
- 1.5.4 To recover loans.
- 1.5.5 To maintain and analyse a database and undertake research for the better utilisation of financial resources.
- 1.5.6 To advise the Minister of Education on matters relating to student financial aid.
- 1.5.7 To perform any other functions assigned to it by the NSFAS Act or by the Minister of Education.

2. INFORMATION OFFICER OF NSFAS

- 2.1 The information officer of NSFAS is its CEO .
- 2.2 The contact details of the NSFAS information officer are :
 - 2.2.1 Street address : 18- 20 Court Road, Wynberg 7801
 - 2.2.2 Postal address : Private Bag X1, Plumstead 7801
 - 2.2.3 Tel. No. (021) 763 3200
 - 2.2.4 Fax No. (021) 797 8131
 - 2.2.5 E-mail address : Allant@nsfas.org.za
- 2.3 NSFAS has, appointed a Compliance Officer as a deputy information officer as contemplated in section 17(1) of the Promotion of Access to Information Act ("the PAIA"), who is:
- 2.4 The contact details of the NSFAS deputy information officer are :
 - 2.4.1 Street address : 18- 20 Court Road, Wynberg 7801
 - 2.4.2 Postal address : Private Bag X1, Plumstead 7801
 - 2.4.3 Tel. No. (021) 763 3200
 - 2.4.4 Fax No. (021) 797 8131
 - 2.4.5 E-mail address : Azaniam@nsfas.org.za

3. THE HUMAN RIGHTS COMMISSION GUIDE TO THE PAIA

3.1 Section 10 of the PAIA obliges the Human Rights Commission to compile, in each official language, a guide 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 the PAIA.

3.2 Persons wishing to obtain a copy of or access to the Human Rights Commission guide to the PAIA should contact the commission directly.

3.3 The contact details of the Human Rights Commission are as follows:

3.3.1 Postal Address : The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Private Bag 2700
HOUGHTON 2041

3.3.2 Telephone No. (011) 484 8300

3.3.3 Fax No. (011) 484 1360

3.3.4 E-mail address : PAIA@SAHRC.org.za

3.3.5 Website : <http://www.sahrc.org.za>

4. DESCRIPTION OF RECORDS HELD BY NSFAS

The records of NSFAS fall into three broad categories:

4.1 **Loan and Bursary Records**

These records include:

4.1.1 Correspondence and agreements with higher education institutions, applications for loans and bursaries, and correspondence and agreements with eligible students to whom loans and/or bursaries have been granted.

- 4.1.2 Correspondence, policy documents and other records relating to the recovery of loans from student borrowers.

4.2 **Personnel Information**

These records include employment policies and manuals, contracts of employment, evaluative and disciplinary records, and salary information.

4.3 **Business Records**

These records include NSFAS's books of account and financial records, contracts and correspondent with funders, minutes of Board and committee meetings, and a variety of other operational records.

5. HOW TO OBTAIN ACCESS TO RECORDS HELD BY NSFAS

5.1 **Preliminary Steps**

- 5.1.1 A person wishing to request access to a record of NSFAS ("a requester") should first consider whether the request relates to information, which NSFAS is likely to hold or have under its control.

- 5.1.2 Requests for records that are most likely to be held by or be under the control of a body other than NSFAS, should be directed to that body.

- 5.1.3 A requester should first review the information available on the NSFAS website, at www.nsfas.org.za to see if this information would satisfy the request.

- 5.1.4 A requester should consider whether a record, as that term is defined in the PAIA, of the required information already exists. If not, the requester should rather take action in terms of the Promotion of Administrative Justice Act, 2000.

5.2 **Completing the Request Form**

- 5.2.1 If a requester is satisfied that he/she still wishes to make a request for records held by or under the control of NSFAS, the requester must fill in the request form which is Annexure 1 to this manual.
- 5.2.2 The completed request form must be delivered in person or by e-mail, fax or post to NSFAS's information officer, namely the CEO or FCO of NSFAS, whose contact details appear in paragraph 2 of this manual.
- 5.2.3 If a requester has not received an acknowledgement of receipt of the request within 14 days after it has been delivered, the requester should contact NSFAS's CEO or FCO to ensure that the request has in fact been received.
- 5.2.4 If a requester is experiencing difficulty in completing the request form, or has a disability that prevents him/her from completing it, the requester should make contact with NSFAS's information officer for assistance. The information officer is obliged, in terms of section 19 of the PAIA, to render such reasonable assistance, free of charge, as is necessary to enable the requester to make the desired request.
- 5.2.5 When completing the request form, the requester must provide sufficient details to enable NSFAS's information officer to identify both the record and the requester.

5.3 **Fees**

- 5.3.1 It may be necessary for a requester to pay fees for access to NSFAS's records. Two types of fee are potentially payable, namely the request fee and the access fee.
- 5.3.2 The request fee must accompany every request for access to a NSFAS record, except a request for access to a record containing personal information about the requester; no request fee is payable for a request for such personal information.

5.3.3 If the request is granted, then an access fee must be paid for the reproduction of records and for time in excess of one hour spent by NSFAS to search for and prepare the records for disclosure. Where the time to prepare the records for disclosure is likely to exceed 6 hours, NSFAS will require the requester to pay a deposit of $\frac{1}{3}$ rd of the anticipated access fee.

5.3.4 All fees must be paid in South African currency, either in cash or by cheque drawn in favour of the National Student Financial Aid Scheme. Receipts will be issued for cash payments.

5.3.5 The request and access fee structure is governed by the regulations to the PAIA, and is reproduced in Annexure 3 to this manual.

5.4 **Decisions about Request for Records**

5.4.1 NSFAS's information officer is required to take a decision on a request within 30 days (or 60 days in certain instances) of receipt of a request.

5.4.2 If a requester does not receive, within 30 days of making a request, a notification granting that request or a notification that the 30-day period has been extended to 60 days, then the request will be deemed to have been refused.

5.4.3 A requester will be notified of the information officer's decision in the manner specified in the request form.

5.4.4 In terms of the PAIA, NSFAS is obliged to refuse requests for records in certain circumstances. The grounds stipulated in the PAIA for refusing a request fall into the following categories, *inter alia* :

- Protection of the privacy of a third party who is a natural person.
- Protection of certain records of the South African Revenue Service.
- Protection of commercial information of a third party.

- Protection of certain confidential information belonging to third parties.
- Protection of the safety of individuals, and protection of property.
- Protection of law enforcement and legal proceedings.
- Protection of records privileged from production in legal proceedings.
- Protection of research information of third parties and public bodies.
- Operations of public bodies.
- Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources.

5.4.5

A requester will be given access to a record if the information officer is not obliged or entitled to refuse access on any ground referred to above, and if the requester has complied all the procedural requirements set out in the PAIA relating to a request for access to a record, namely:

- The request is properly made on the prescribed form.
- The requester, if not making the request on his/her own behalf, has furnished proof of authority to act on behalf of another.
- The record is sufficiently described to enable the information officer to identify it.
- The required fees have been paid.

5.5

Appeals

- 5.5.1 If a requester's request for access to a NSFAS record has been refused in whole or in part, and if the requester is dissatisfied with this, the requester is entitled to lodge an internal appeal.
- 5.5.2 An internal appeal must be noted in writing using Annexure 2 to this manual.
- 5.5.3 A requester must set out the grounds for the appeal in respect of each record sought.
- 5.5.4 An internal appeal must be lodged within 60 days after the information officer's decision has been communicated to the requester, or the date of the deemed refusal.
- 5.5.5 An internal appeal must be delivered personally or by e-mail, fax or post to the information officer, whose contact details appear in paragraph 2 of this manual.
- 5.5.6 After the information officer of NSFAS receives an internal appeal, he/she will forward that appeal, together with written reasons for his/her decision, to NSFAS's relevant authority for a decision. In the case of NSFAS, its relevant authority is the Minister of Education, or a person designated in writing by the Minister of Education as the relevant authority.
- 5.5.7 If a requester has not, within 14 days after delivering an internal appeal to the information officer, received a written acknowledgement of receipt, the requester should contact the information officer to ensure that the internal appeal has in fact been received.
- 5.5.8 If a requester is not satisfied with the decision of the relevant authority, the requester may apply to court for relief. On hearing such an application a court may grant a just and equitable order including:
- An order confirming, amending or setting aside the decision in question.

- An order requiring the information officer to take some action or to refrain from taking such action as the court considers necessary, within the period mentioned in the order.
- An interdict, an order for interim or specific relief, a declaratory order or an order of compensation.
- An order for costs.

6. DESCRIPTION OF SERVICES OF NSFAS AVAILABLE TO MEMBERS OF THE PUBLIC, AND HOW TO GAIN ACCESS TO THOSE SERVICES

6.1 The service offered by NSFAS to the general public is the granting of loans and/or bursaries to eligible persons studying at or intending to study at higher education institutions.

6.2 **Where to apply for a loan:**

6.2.1 Application forms for NSFAS loans are available at the Financial Aid Bureaux of the following higher education institutions:

FINANCIAL AID BUREAU CONTACT DETAILS

Universities of Technology

| | |
|---|--|
| Cape Peninsula Univ of Technology | (021) 460 3819/ 959 6185 |
| Central Univ of Technology | (051) 507-3761 |
| Durban Institute of Technology | (031) 204-2768 |
| Nelson Mandela Metropolitan University | (041) 408-3242/ 504-3501/ |
| North West University | (018) 299-2188/9/ 299-2193 |
| Venda, University of Science & Technology | (015) 962-4777 |
| Tshwane Univ of Technology | (012) 799-9079 |
| Vaal University of Technology | (016) 950-9483 |
| Walter Sisulu University of Science & Technology | (047) 502-2312/ (043) 702-9256/ (047) 401-2203 |

Universities

| | |
|--|--------------------------------|
| Unisa | (012) 429-4360/ (011) 471-2000 |
| Stellenbosch, University of | (012) 808-4626 |
| Free State, University of the | (051) 401-3202 |
| University of the Western Cape | (021) 959-2737 |
| University of the Witwatersrand | (011) 717-1071 |
| Rhodes University | (046) 603-8248 |
| University of Zululand | (035) 902-6305 |
| University of Fort Hare | (040) 602-2169 |
| University of Johannesburg | (011) 489-3218 |
| University of Cape Town | (021) 650-2211 |
| Pretoria, University of | (012) 420-2735 |
| University of Limpopo | (012) 521-4622/(015) 268-3542 |
| University of KwaZulu – Natal | (031) 260-2192 |

6.2.2

The functions of financial aid bureaux are:

- To offer advice about study loans.
- To assist with loan applications.
- To explain how and to whom loan money is paid, and how loans must be repaid.
- To evaluate a student's ability to succeed in his/her chosen course.

- To conduct a means test to determine whether students are really among the financially needy.

6.3 **Who qualifies for a NSFAS loan?**

A person will qualify for a NSFAS loan if he/she is:

- A South African citizen.
- Registered at a South African higher education institution (i.e. a university or technikon).
- An undergraduate studying for a first tertiary educational qualification, or studying for a second tertiary qualification (where this is necessary to practice in the chosen profession – for example, in the legal and teaching professions).
- Able to demonstrate potential for academic success.
- Financially needy.

6.4 **Loan agreement formalities and repayment:**

- If a student is granted a NSFAS loan, the loan agreement is prepared by the applicable educational institution on behalf of NSFAS, and is signed by the student.
- The loan agreement is then forwarded to NSFAS, which makes the required loan payments not to the student personally, but to the institution, to meet the fees and expenses relating to the student's chosen course of study.
- All students who receive NSFAS loans, even if those students do not successfully complete their chosen course of study, must repay those

loans in full. Those loans must be repaid to enable NSFAS to continue making loans to successive generations of deserving students.

- Repayment terms are benevolent, and the rate of interest charged by NSFAS is calculated in accordance with the prevailing rate of inflation. Students therefore repay only the real value of the monies lent to them by NSFAS.

7. PUBLIC INVOLVEMENT

7.1 There is no law which requires NSFAS to consult with or seek representations from the wider public by way of enabling the wider public to participate in or influence:

7.1.1 The formulation of NSFAS's own policies.

7.1.2 The formulation of policies in relation to NSFAS.

7.1.3 The exercise by NSFAS of its powers.

7.1.4 The performance by NSFAS of its duties.

7.2 However, NSFAS welcomes representations regarding its policies, practices and procedures. Any such representations should be sent to the CEO of NSFAS, whose contact details appear in paragraph 2 of this manual.

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