

**LEGAL SERVICES DEPARTMENT**

**(OFFICE OF THE REGISTRAR)**

**Application to Conduct Research at Unizulu in compliance with the Protection of Personal Information Act 4 of 2013(POPI)**

**Procedure:**

1. The researcher will submit his/her/its application to conduct research at the University of Zululand with the office of the Registrar;

2. The student will be furnished an Application to conduct research at Unizulu in

compliance with POPI application form (Annexure A) as well as a Declaration and Indemnity (Annexure B) and an Informed Consent Form (Annexure C);

3. The completed application and declaration will be submitted to the office of the

 Registrar for consideration;

4. If satisfied, a Confirmation of POPI Compliance letter will be issued

 to the applicant by the Registrar’s Office.

It is expected that the research will complete the documentation in consultation with the POPI Act and the Unizulu POPI Policy.

**Annexure A**

To enable the Information Officer to consider my application I confirm that the following information is both true and correct and where not applicable I shall motivate same.

**1. INTENDED STUDY**

* 1. Identify the organisations or individuals who have funded the research, and any

interests they may have in the research:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Indicate the nature or category of the information you seek to obtain (Personal

information, Special Personal Information or Information i.r.o Children): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1.3 Where the information is not collected from the Data Subject directly (e.g. information is contained in or derived from a public record or has deliberately been made public by the data subject), stipulate the source and capacity from which it is collected:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1.4 The details of the responsible party: name and address of the responsible party:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2. AUTHORITY**

2.1 Stipulate any particular law authorising or requiring the collection of the information, which makes the supply of that information mandatory:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.2 Stipulate the details of any significant risks to the participants involved:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.3 Describe any special security measures which will be taken to protect the data:

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**3. PROCESSING**

3.1 Mention the personal information that will be collected form the data subject (e.g. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age etc.)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.2 In the event of data being gather anonymised, stipulate to what extend and the

 measures taken to keep the identity of the data subjects anonymised:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.3 Should the data subject be “de-identified” stipulate what provisions are taken to ensure that the identity of the data subject cannot be used or manipulated by a reasonably foreseeable method to identify the data subject or linked by a reasonably foreseeable method to other information that identifies the data subject:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.4 Mention the purpose for which this information is being collected and the objectives of the research:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.5 Mention what precautions are taken to ensure that the processing of the data will not infringe on the data subject’s right to privacy:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.6 Stipulate the name and contact details of the person who will be responsible for the data being gathered (usually, the researcher):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.7 Stipulate the identities of the persons who will have access to the data, including any organisations or individuals who may be given access:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.8 Mention the steps that will be taken to document the data including archiving the data, e.g. by depositing a dataset in a data archive, and whether the archived data will be anonymised or non‐anonymised:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.9 Describe if and how the data may be used in future research projects:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.10 Describe how the data will be published or made available, including whether

the research subjects will be identifiable in the published data, or whether the

data will be published in anonymised form:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.11 Stipulate the retention period of the Personal Information:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.12 Stipulate the manner in which the data will be destroyed and if applicable the details of the organisation/entity responsible for the destruction of the data records:

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3.13 Mention the steps taken to ensure that the information processed is complete,

 accurate and not misleading:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.14 Mention what steps are taken to prevent loss of, damage to or unauthorised destruction of personal information; and unlawful access to or processing of personal information:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. CROSS BORDER TRANSFER**

4.1 In the event of personal data being transferred to a third country or international organisation, mention the level of protection afforded to the information by that third country or international organisation:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4.2 Mention the country’s relevant privacy protection legislation (GDPR, CCPA, LGPD). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4.3 Enclose a copy of the Privacy Statement of the organisation/ Institution’s data safety statement and policy.

4.4 Mention who can be contact for more information (lead researcher’s contact details):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**5. RIGHTS OF DATA SUBJECT**

 Mention how the data subject will be informed of: -

- the nature of the research;

- his/her/it’s right to access to the information collected, to object to the processing of personal Information, and to lodge a complaint to the Information Regulator.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed (Researcher) Date**

Full Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Annexure B**

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**UNIZULU POPI DECLARATION AND INDEMNITY PROCESSING PERSONAL INFORMATION**

**INTRODUCTION**

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy; furthermore, the Protection of Personal Information Act, 4 OF 2013 (POPI) further reiterates that the right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal

information.

According to section 18 of the Act, if personal information is collected, reasonably practicable steps must be taken to ensure that the Data Subject is made aware of the information being collected and where the information is not collected from the Data Subject, the source from which it is collected, subject to certain exceptions, including those where the collection of information is required for a contractual or legal purpose and / or is required for the purpose of protecting the legitimate interests of the Institution.

**DECLARATION**

Following the aforesaid the University of Zululand has a responsibility to ensure that any research conducted either on the premises of the University of Zululand or research conducted in relation to the university of Zululand be conducted in a certain manner and in accordance with the POPIA.

The researcher therefore hereby declare that he / she / it will adhere to the principles and requirements as contained in the POPIA as well as the Unizulu POPI policy. The researcher furthermore declare that he/she/it will obtain consent from the data subject as per Annexure C hereto and that he/she/it has truthfully completed the Application to Conduct Research at Unizulu in compliance with the Protection of Personal Information Act 4 of 2013(POPI) form.

**INDEMNITY**

The researcher hereby irrevocably agrees that he/she will comply with the provisions of POPIA as well as the Unizulu POPI policy and that he/she shall only process such PI for the purpose as specified.

The researcher furthermore indemnifies the University of Zululand against any loss or damage, direct or indirect, punitive and/or consequential that a data subject may suffer because of any unauthorised use of personal information by the researcher or if a breach of the personal information occurs whilst under his control.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Researcher/ Project Leader

 **Annexure C**

**PARTICIPANT CONSENT FORM**

**Study Title**: ……………………………….

Please mark your initials in the box after each statement to confirm it has been read and agreed to. I confirm that I am a mayor person and competent to give my consent or I confirm that I am a competent person and have the authority to give consent for my child to partake in the study.

1. I have read and had explained to me by ………………………………..… the accompanying Information Sheet relating to the project on: ………………………………………………………………………………...

2. I have had explained to me the purposes of the project and what will be required of me, and any questions I have had have been answered to my satisfaction. I agree to the arrangements described in the Information Sheet in so far as they relate to my participation. ☐

3. I have had explained to me what information will be collected about me, what it will be used for, who it may be shared with, how it will be kept safe, and my rights in relation to my data. ☐

4. I understand that participation is entirely voluntary and that I have the right to withdraw from the project any time, and that this will be without detriment. ☐

5 (a). I understand that the data collected from me in this study will be preserved and made available in anonymised form, so that they can be consulted and re-used by others. ☐

5 (b). I understand that the data collected from me in this study will be preserved, and subject to safeguards will be made available to other authenticated researchers. ☐ \*

8. This project has been reviewed by the University Research Ethics Committee and has been given a favorable ethical opinion for conduct.

9. I have received a copy of this Consent Form and of the accompanying Information Sheet. ☐

Name: ………………………………………………………………………………

Date of birth: ………………………………………………………………………

Signed: ……………………………………………...………………………………

Date: ………………………………………………………...………………………

I am happy to be included on a register of research participants for the purposes of being contacted about further studies by…………………………………………….

I agree to take part in this study.

Name of person giving consent Date Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of person taking consent Date Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_