

TERMS OF REFERENCE AND RULES FOR APPLICATION

RESEARCH DATA GATEKEEPER COMMITTEE (“RDGC”)

Approved by Senate Committee for Research Ethics (SCRE): 18 March 2024

Approved by Senate: 23 May 2024

1. Establishment and purpose of the committee

The Research Data Gatekeeper Committee at the NWU (“NWU-RDGC”) is established to give effect to the principles contained in the relevant sections of the Protection of Personal Information Act (“POPIA”, Act 4 of 2013).

The purpose of the NWU-RDGC is to ensure the implementation of the relevant measures, regarding the privacy and confidentiality interests related to NWU data (of staff, students, or systems/departments/laboratories) originally gathered for non-research purposes (*secondary data use*) by all internal or external researchers. The NWU data is now intended for secondary data use for research purposes, by either internal or external researchers, providing the requisite privacy and confidentiality in the storing and security of personal information, as well as disseminating research results and findings. The NWU-RDGC is responsible for the review and approval of all such applications.

To further be the gatekeeper of all requests from external researchers wishing to involve NWU staff, students, or systems/department/laboratories for the first time (*primary research*) in their research, by referring it to one of the Research Ethics Committees (RECs) in its Research Ethics Committee system for an expedited review and approval.

The NWU-RDCG is the watchdog of NWU RECS approval of research intending to involve NWU staff, students, or systems/departments/laboratories.

The NWU-RDGC also reviews and approves all applications for non-research purposes either intending to use NWU data or involve NWU staff, students, or systems/departments/laboratories.

2. Related concepts

Non-research purposes	Requests related to the gathering of data for quality improvement, climate surveys, other surveys etc.
NWU data	Existing NWU data (staff, students, or systems/departments/laboratories) collected for purposes other than research. The NWU data was originally collected for administrative, educational, or operational purposes, now sought for research purposes. This includes but is not limited to, academic records, employment data, and operational datasets from various NWU systems/departments/laboratories.
Primary research	Research involving NWU staff, students, or systems/departments/laboratories to collect research data for the first time.
Secondary data use	The use of NWU data (staff, students, or systems/departments/laboratories) originally gathered for other purposes than research to be used for research purposes.
SoTL research	Research related to the Scholarship of Teaching and Learning.

3. **To be a critical reviewer on all matters related to being the gatekeeper in relation to requests intending to use NWU data of staff, students, or systems/departments/laboratories, initially gathered for non-research purposes, for research purposes; refer request for primary research intending to use NWU staff or students to appropriate RECs; and review other requests to involve NWU staff or students for non-research purposes.**

In accordance with the prescripts of POPIA, the mandate of the NWU-RDGC is as follows:

- 3.1. To establish and enforce the requisite prescripts, regarding the lawful use, retention, and dissemination of NWU data for research purposes.
- 3.2. To be a gatekeeper by *receiving, reviewing, and approving* all requests from **NWU researchers** wanting to use **NWU data related to staff, students, or systems/departments/laboratories, that was** originally gathered for other purposes than research, to be used for research purposes (**secondary data use**). The NWU-RDGC takes responsibility for communication with the researcher. The approval is only valid for one year.
- 3.3. To be a gatekeeper by *receiving* requests from **external researchers** wanting to utilise **NWU data related to staff, students or systems/departments/laboratories, that was** originally gathered for other purposes than research, to be used for research purposes (**secondary data use**) or alternatively, gathered for the research of additional research outcomes, to *refer* these cases to RECs for *ethics review (expedited)*, and to finally *review and approve as a gatekeeper* for secondary data use or for additional research outcomes. The NWU-RDGC takes responsibility for communication with the external researcher. The approval is only valid for one year.
- 3.4. To *receive* and *refer* all requests from **external researchers**, who want to do research that will involve NWU staff, students, or systems/departments/laboratories, in order to collect research data for the first time (**primary research**), to an appropriate REC for ethics review and approval (expedited). The REC takes responsibility for communication with the external researcher. The approval is only valid for one year.
- 3.5. To *receive, review and approve* requests from parties (internal or external) for **non-research purposes** e.g., quality improvement, climate survey, other surveys, etc. The NWU-RDGC communicates with the parties involved. The approval is only valid for one year.
- 3.6. To be a final **arbitrator** on all matters related to gatekeeper issues that could not be solved by existing research and research ethics processes for either internal or external researchers for 1) research with existing NWU data related to staff, students, or systems/departments/laboratories (secondary data use), or 2) research involving NWU staff, students, or systems/departments/laboratories (primary research) and **referred back to the NWU-RDGC by a NWU REC**.
- 3.7. To ensure that proper official records of all applications are kept for audit purposes.

Note: See **Appendix A: Guidance document for the NWU-RDGC and RECs** which outlines the scope and responsibilities, the definitions of related concepts, the flow of receipt, review and approval processes related to NWU data of staff, students or systems/departments/laboratories, the parameters for use, the anonymization of data, the risk level descriptors on NWU data for secondary data use, as well as for primary research purposes, the protection of vulnerability when involving NWU students in research, the flow diagram for RECs, the advertisement requirements and the REC's RDGC reporting template.

4. Membership

4.1. Composition

		Term	Number of representatives
	Chairperson		
(1)	DVC: Research and Innovation (in his/her capacity as deputy information officer appointed in terms of section 55(2) of POPIA)	All in accordance with term of appointment	1
	Standing members		
(2)	Research Ethics Support Coordinator from the Research Support Department		1
(3)	Deputy Deans Research and Innovation of each of the eight faculties or their delegates		8
(4)	Special expertise (on invitation and in line with 3.2 below)		1
	Representing members		
(5)	Secretariat support		1

4.2. Special expertise, observers, and visitors

The NWU-RDGC, upon indication by the chairperson would invite special expertise, observers, and visitors.

Since the NWU-RDGC functions within a strictly confidential environment, special expertise, observers, and visitors will only be allowed in exceptional cases and for a specific purpose. In such cases, a confidentiality agreement must be signed. Researchers may be invited to attend the discussion of their application and may present the application for purposes of clarification.

4.3. Voting rights

All standing members have voting rights. Persons in attendance, special expertise, observers, and visitors do not have voting rights.

5. Secretariat services

Secretariat services are provided by Corporate and Information Governance Services.

6. Meeting arrangements

The following meeting arrangements apply:

Frequency	On a monthly basis.
Extraordinary meetings	Further meetings of the Committee or its work teams may be held as necessary and will be dealt with in terms of the provisions of the NWU Statute.
Quorum	The quorum of the meeting will be half (50%) of all the members plus one, excluding vacant positions.
Notice of the meeting	At least 21 days before the meeting date, the Secretariat electronically notifies the committee of the time and place where the meeting is to be held. The minutes of the previous meeting will be enclosed, and members are requested to provide the Secretariat with input by the closing date for the agenda. Should no response be received by this time it will be assumed that the members agree with the record.
Agenda	At least 7 days prior to the meeting, the Secretariat provides the complete agenda pack electronically to all members. Members who prefer a hard copy must inform the secretariat accordingly.
Attendance register	An attendance register will be circulated by the Secretariat at the beginning of each meeting. Every member present must sign the attendance register. The attendance register is proof of attendance for purposes of minuting and payment of honorariums.
Confirmation of Minutes	An ordinary meeting, after being constituted and opened, commences with reading and confirming (by means of the chairperson signing) of the minutes of the previous meeting(s). Any objection to the minutes is raised and disposed of before the minutes are confirmed. The minutes may be regarded as read if a copy of the draft minutes was provided to members prior to the meeting. Minutes will be a true reflection of the previous meeting(s) and will contain all views expressed under the heading "noted". Decisions made by the committee will reflect under the heading "resolved".
Decision-making process	Matters are decided by means of general consensus. The Chairperson might, however, decide when a decision should be taken by means of a voting procedure. The Chairperson may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot. The Chairperson has an ordinary vote but may in addition, exercise a casting vote in the event of an equality of votes on any matter. The number of votes in favour of or against any proposal is not recorded in the minutes, unless the Chairperson so decides.
Revoking of a resolution	The revoking of any resolution entails a formal process by means of which a member of the NWU-RDGC is to table a formal written request for a rescission, motivating the reason for the review of the resolution in question, as well as providing a suggestion for a resolution.

Conflict of Interest	<p>A member may not take part in the discussion of or vote on any matter in which the member has a direct financial or other interest as defined in the Policy and Rules on conflict of interest and declaration of interest of gifts unless the member first discloses the nature and extent of the interest and obtains the leave of the meeting to take part in the discussion or to vote.</p> <p>All committee members must indicate any conflict of interest at the agenda point allocated therefor and must also indicate a conflict of interest on the attendance register by indicating the agenda item where the conflict arises in writing next to his/her name.</p>
Point of Order	<p>A point of order, clarification or information may be raised against any member, in which instance the ruling of the Chairperson is binding. The ruling of the Chairperson is binding and cannot be challenged.</p> <p>Should the above point of order, clarification or information be immediately challenged by a member, the ruling is put to the meeting for determination – without it being discussed, and the decision of the meeting is final.</p>
Disrespectful / Disorderly conduct	<p>Anyone attending a meeting who, after having been requested to refrain from disrespectful or disorderly conduct, continues to disobey a ruling from the Chairperson, must be requested to leave the meeting.</p> <p>If that person does not leave the meeting immediately, such a person could be removed from the meeting with the assistance of Protection Services.</p>
Voting	<p>All matters are decided by majority of votes cast.</p> <p>The Chairperson or the meeting may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot. (Para 9(16) of the NWU Statute).</p> <p>The Chairperson has an ordinary vote but may in addition exercise a casting vote in the event of an equality of votes on any matter.</p> <p>The number of votes in favour of or against any proposal is not recorded in the minutes, unless the meeting so decides.</p> <p>At the request of a member the chairperson may direct that the vote of such member be recorded.</p> <p>The views of a member who is unable to attend a meeting may be submitted in writing but may not count as a vote of such member.</p>
Apology	<p>An apology will be noted when a member electronically submits it to the Secretariat and/or the Chairperson, at least one day prior to the meeting.</p> <p>Members absent from the meeting without above mentioned apology are noted as “without apology”.</p> <p>The views of a member who is unable to attend a meeting may be submitted in writing but may not count as a vote of such member.</p>
Recording of meeting	<p>At the opening of the meeting, the chairperson indicates that a recording will be made for minute purposes.</p>
Round Robin Process	<p>The chairperson may electronically submit urgent matters in between scheduled meetings. The Secretariat will assist in this process.</p> <p>At least two thirds of the members must electronically confirm their involvement in the process by giving feedback, approval, or non-approval. When a majority of members reaches agreement, it is taken as a resolution. The secretariat shall continue submitting the request for round-robin until responses have been received from at least two-thirds of the members.</p> <p>Such a resolution is equivalent to a resolution of the committee and must be recorded in the minutes of the next meeting.</p>
Resources and Budget	<p>A centralised budget regarding the matters of this committee will be managed within Corporate and Information Governance Services.</p>
Subsistence of external members	<p>The travel and accommodation costs of external members will be paid according to the approved guidelines for travel and accommodation of council members.</p>
Records management	<p>All records of the committee (terms of reference, membership list, agendas, minutes, attendance register, correspondence, etc.) will be kept electronically and in hard copy and the hard copy sent to the Archives and Museum for permanent preservation. Committee members have automatic access to all records of the committee. All other interested parties must complete a request form in terms of the Promotion of Access to Information Act, which will be assessed in terms of the prescriptions contained in the Act.</p>

7. Rules for the application and approval process

7.1. The NWU's position on seeking ethical approval from faculty Research Ethics Committees on gatekeeper applications by external researchers

It is accepted by the NWU-RDGC that decisions made by external institutions' research ethics committees (RECs) should be acknowledged and honoured. Consequently, in the instance that researchers from institutions outside of the NWU have applied for access to NWU data originally gathered for non-research purposes, for research purposes, and have indicated that approval from their own institutions' REC had been received, then the NWU-RDGC will send the external application to the designated NWU faculty REC to perform an expedited review of the study, to ensure that all ethical aspects of the study have been addressed to the satisfaction of the NWU's research ethics standards and is in line with the NWU context.

7.2. Types of projects for which NWU-RDGC approval would be needed

7.2.1 **Internal and external:** researchers and students wishing to gain access to information on NWU data related to staff, students, or systems/departments/laboratories, originally gathered for non-research purposes, to be used for research

Research projects such as the following:

1. External researchers or students (i.e. not formally associated with the NWU) seeking access to NWU data;
2. NWU students seeking access to NWU data to complete the research as part of their formal qualification; and
3. NWU-associated researchers seeking access to NWU data as part of a research project with the aim of publishing the outcome.

7.2.2 **Internal:** employees wishing to gain access to information on NWU data related to staff, students, or systems/departments/laboratories, originally gathered for non-research purposes, for quality or strategic use only

Projects aimed at improving the core business of the NWU and for which strategic or departmental funds, as per the prescribed approval process have been availed.

The clear understanding is that the outcome of such a project would not result in research publication(s).

Data provided to project leaders would ordinarily be de-identified.

The NWU-RDGC is to consider the application, refer the applicant to the relevant NWU department, put on record the particulars of the application, and ensure effective data management e.g. appropriate anonymisation.

7.3. Application process to be followed

7.3.1 For the request from internal and external researchers to use NWU data (secondary data use)

The following documentation sets must be submitted by e-mail to NWU-RDGC@nwu.ac.za:

- The NWU-RDGC application form (duly completed), which includes but is not limited to the following information for the use of NWU data:
 - Contact details of the researcher or student and the supervisor/promoter under whose supervision the empirical work is to be conducted;
 - A stipulation of the research period;
 - The faculty or department/laboratory that the researcher or student wishes to approach;
 - A full description of the NWU data to be used;
 - A motivation why the NWU data must be used;
 - A full description of the research methodology with special reference to the procedure and method that will be used to analyse and store the acquired NWU data;

- A thorough explanation on how the researcher will adhere to the Protection of Personal Information Act 4 of 2013 in the protection of the acquired NWU data;
- Proof of **final approval** of the research project by a Scientific Committee (SC), and **final or conditional** REC approval (pending the NWU-RDGC's approval), by the relevant institution.
Important note: The implication hereof is that the ethics-approval process should have been concluded before an application to the NWU-RDGC is made.
- The approved research protocol/proposal.

7.3.2 For the request from external researchers to gather data involving NWU staff, students, or systems/departments/laboratories for the first time (primary research) and to be reviewed and approved by a North-West University REC (expedited)

- Contact details of the researcher or student and the supervisor/promoter under whose supervision the empirical work is to be conducted;
- A stipulation of the research period;
- The faculty or department that the researcher or student wishes to approach;
- A full description of the research methodology with special reference to the way the researcher intends to gain entry and establish contact with the participants, obtain informed consent, conduct the data gathering, analyse the data and store the data.
- A full description of the nature of the data to be collected;
- A motivation why the NWU is the appropriate institution to approach for the data collection;
- A thorough explanation on how the researcher will adhere to the Protection of Personal Information Act 4 of 2013 in the protection of the newly acquired NWU data;
- Proof of **final approval** of the research project by a SC, and **final or conditional** REC approval (pending the NWU-RDGC's approval), by the relevant institution.
Important note: The implication hereof is that the ethics-approval process should have been concluded before an application to the NWU-RDGC is made.
- The approved research protocol/proposal.
- The approved informed consent form.
- The interview schedule or questionnaire to be used for data gathering.
- Advertisement to be used during recruitment

7.3.3 For the request from parties wishing to gather information for non-research purposes

- Contact details of the person who will gather the information;
- A stipulation of the period of data gathering;
- The faculty or system/department/laboratory that the person wishes to approach;
- A full description of the recruitment process and the process of data gathering with special reference to the way the person intends to gain entry and establish contact with the participants, obtain informed consent for the use it is intended, conduct the data gathering, and store the data.
- Indication of NWU-RDGC approval during the process of data gathering
- A full description of the nature of the data to be collected;
- A motivation for why the NWU is the appropriate institution to approach for the data collection;
- A thorough explanation on how the person will adhere to the Protection of Personal Information Act 4 of 2013 in the protection of the newly acquired NWU data;
- The informed consent form intended to be used.
- The interview schedule or questionnaire to be used for data gathering.
- Declaration indicating that the data gathered will under no circumstances be published or used for research purposes.

7.4. Administration of NWU-RDGC

7.4.1 The NWU-RDGC meets monthly, after which the feedback is provided in writing to the relevant applicant.

- Internal and external requests to use NWU data related to staff, students, systems/departments/laboratories.
- Requests from parties for non-research purposes.
- To arbitrate on cases referred back by a REC.

7.4.2 The person responsible for the receipt of **external applications** in the Research Support Department, briefly reviews the nature of the application received from external researchers.

- If it is an application to gather new data from NWU staff, students, or systems/departments/laboratories (primary research), the person, as soon as possible, sends the application to the appropriate NWU REC for an expedited review and reports to the NWU-RDGC on the referral and the outcome.
- If it is an application to use existing NWU data (secondary research), the application is sent to an appropriate REC for expedited review on ethical matters, and on outcome of the review, it is placed on the NWU-RDGC agenda.

7.4.3 The NWU-RDGC has the mandate to make the particulars of an application available to the Executive Dean of a faculty or a Head of a department to request input and advice.

7.4.4 Once the application is approved for external researchers for secondary research, the NWU-RDGC will assist the researcher to gain access to the relevant faculty/department/laboratory, as owners of the NWU data, by means of introduction to the relevant functionaries to facilitate access to the required NWU data and ensure that any NWU data will first be de-identified.

7.4.5 In the case of primary research, the NWU-RDGC will not take the responsibility to invite research participants or to gather data on behalf of the researcher. The process described in the Guidance document Appendix A section 4.3 should be followed.

7.4.6 It needs to be noted that the NWU-RDGC would not be in a position to provide *retrospective approval* for any research involving access to NWU data, or research conducted that has not followed the requisite approval route.

7.4.7 The NWU-RDGC in acting as an arbitrator, will review the request and communicate accordingly to the appropriate parties.

7.5. Period of approval

As stated previously under section 2., approval to gain access to NWU data, gather new research data after a NWU REC approval, and approval for non-research purposes, will be granted for a *limited period of one year*, as stipulated on the permission-granted letter. Any changes to the research protocol/proposal/process within the permission period must be communicated to the NWU-RDGC and the applicable REC, and approval for the amendment gained from either the NWU-RDGC (NWU data) or the REC (newly gathered data) before the research process continues. Failure to do so will lead to withdrawal of the permission.

8. Reporting

The committee coordinator submits reports from the NWU-RDGC to the following committees: the Information Management Committee, the Compliance Committee, and the Senate Committee for Research Ethics.

The RECs report *quarterly* (March, June, September, and December) to the NWU-RDGC on research approved by them that involves NWU staff, students, or systems/departments/laboratories for the first time (primary research) and any approved SoTL research. The reporting is on a *set template* (see embedded template in the Guidelines document). The NWU-RDGC will review these reports in the following month (April, July, October, and January) during an NWU-RDGC meeting. The NWU-RDGC will have the option of auditing any of the applications and approvals indicated by the REC on their reports. The focus will be on seeing whether the RECs are following the guidance in Appendix A on: 1) protecting the potential vulnerability of students when involving them in research, 2) ensuring that the correct process is followed when gaining entry and engaging with communities, 3) obtaining informed consent, and 4) ensuring that advertisements include the required information.

9. Guidance documentation

The following documents guide the operations of this committee:

Document	Status	Authority	Date
NWU Personal Information Privacy Policy	Approved	Council	17 June 2021
NWU Policy on Research Ethics and Terms of Reference	Approved	Council	22 November 2018
Protection of Personal Information Act	Enforceable	Parliament	Act 4 of 2013
POPIA Code of Conduct Public universities	Enforceable in HE sector	USAf	June 2020
Guidelines and directives issued from time to time by Information Regulator	Enforceable	Information Regulator	Issued from time to time <i>(information available from the NWU POPIA task team)</i>
Appendix A of the ToR: Guidance document for the NWU Research Data Gatekeeper Committee and Research Ethics Committees	Approved	SCRE and senate	11 March 2024
Supporting application forms linked to the NWU-RDGC forms	Approved	SCRE and Senate	11 March 2024

10. Review cycle of the NWU-RDGC Terms of Reference

The Terms of Reference of the NWU-RDGC is reviewed, when necessary, but at least in a compulsory three-year cycle.

The secretariat ensures the regular review of the Terms of Reference and consults with the chairperson to ensure adherence to the timeline of review.

Original details: (20821352) H:\1. GOV\1.3 _Structures\1.3.41 Research Data Gatekeeper Committee\1.3.41.1 Terms of reference\2019\2019.02.22_RDGC ToR.docm
4 February 2019
Current details: (20821352) H:\1. GOV\1.3 _Structures\1.3.41 Research Data Gatekeeper Committee\1.3.41.1 Terms of reference\2019\2019.06.19_RDGC ToR_Approved.docm
6 September 2019
Current details: (20821352) H:\1. GOV\1.3 _Structures\1.3.41 Research Data Gatekeeper Committee\1.3.41.1 Terms of reference\2019\2019.06.19_RDGC ToR_Approved.docm
27 September 2021
Current details: (20821352) H:\1. GOV\1.3 _Structures\1.3.41 Research Data Gatekeeper Committee\1.3.41.1 Terms of reference\2019\2019.06.19_RDGC ToR_Approved.docm
18 March 2024 (SCRE); 23 May 2024 (Senate)
File reference: 1.3.41