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1. INTRODUCTION

- 1.1. In terms of the Bill of Rights, in section 32 of the Constitution of the Republic of South Africa, Act No.108 of 1996 every person has a right to access to information. In order to fulfil this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 ("the Act") was promulgated.
- 1.2. The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, public and private bodies as well as information held by another person that is required for the exercise or protection of any right.
- 1.3. The motivation for giving effect to the right of access to information is to:
 - 1.3.1. Foster a culture of transparency and accountability in both public and private bodies; and
 - 1.3.2. Promote a society in which people have access to information to enable them to more fully exercise and protect all their rights.
- 1.4. Section 9 of the Act, however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 1.4.1. Limitations aimed at reasonable protection of privacy;
 - 1.4.2. Commercial confidentiality;
 - 1.4.3. Effective, efficient and good governance; and
 - 1.4.4. Limitations that balance such right with any other rights, including rights contained in the Bill of Rights in the Constitution.
- 1.5. The South African National Blood Service (SANBS) is a non-profit company (registration number 2000/026390/08) which receives no funding from the government. SANBS manages blood supply and provides blood and blood products and services to South Africans in all provinces in South Africa, with the exclusion of the Western Cape.
- 1.6. The SANBS Promotion to Access to information Act ("PAIA") manual has been compiled in terms of section 51 of the Act. The reference to any information in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

2. PURPOSE OF PAIA MANUAL

- 2.1. The purpose of this manual is:
 - 2.1.1 To ensure that SANBS complies with the provisions of the Act;
 - 2.1.2 To foster a culture of transparency and accountability within SANBS by giving effect to the right to information that is required for the exercise or protection of any right; and
 - 2.1.3 To actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 2.2 This manual complies with the requirements of section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by public and private bodies.

3. AVAILABILITY OF THE MANUAL

This manual may be obtained by The Requester:

- (i) On the SANBS website (www.sanbs.org.za);
- (ii) Through a submission of a written request to the SANBS Deputy Information Officer; or
- (iii) At the South African Human Rights Commission.

4. COMPANY CONTACT DETAILS (Section 51(1)(a))

All requests for information should be directed to the Deputy Information Officer who, through delegation by the Information Officer, is duly authorised to deal with requests for information in terms of the Act. The details of the duly authorised persons appear below:

Information Officer: CEO: Ravi Reddy

Postal address: Private Bag X14
Weltevreden Park
1715

Street address: 1 Constantia Boulevard
Constantia Kloof, Roodepoort
1709

Telephone number: 011 761 9111

Fax Number: N/A

Email address: Ravi.Reddy@sanbs.org.za

Deputy Information Officer: **Ms Zimkitha Songxaba**

Street address: 1 Constantia Boulevard
Constantia Kloof, Roodepoort
1709

Telephone number: 011 761 9948

Fax Number: N/A

Email address: Zimkitha.Songxaba@sanbs.org.za

The SANBS Head Office is situated at the following address:

1 Constantia Boulevard, Constantia Kloof
Extension 22
Weltevreden Park
1715

5. THE GUIDE REFERRED TO IN SECTION 10 (Section 51(1)(b))

- 5.1. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purpose of exercising Constitutional Rights. The Guide is available from the South African Human Rights Commission in each official language free of charge for public inspection. Any queries regarding this should be forwarded to the South African Human Right Commission at the following address:

**The South African Human Rights Commission: PAIA UNIT
The Research and Documentation Department**

Postal Address: Private Bag X2700, Houghton, 2041
Street Address: Braampark Forum 3, 33 Hoofd Street, Braamfontein
Telephone number: 011 877 3600 / 011 877 3825
E-mail: paia@sahrc.org.za
Website: www.sahrc.org.za

6. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (Section 51(1)(d))

SANBS is required by law to keep certain records in terms of the legislations listed below and those records **are available only to the persons or entities specified in such legislation and in accordance with the requirements of the specific legislation.** (Note that the list of legislations is not exhaustive).

No.	Legislation
1.	Companies Act 71 of 2008
2.	Non-profit Organisation Act 71 of 1997
3.	National Health Act 61 of 2003
4.	Basic Conditions of Employment Act 75 of 1997
5.	Labour Relations Act 66 of 1995
6.	Income Tax Act 58 Of 1962
7.	Employment Equity Act 55 of 1998
8.	Compensation for Occupational Injuries and Disease Act 130 of 1993
9.	Occupational Health and Safety Act
10.	Unemployment Insurance Act 63 of 2001
11.	Value Added Tax Act 89 of 1991
12.	Pension Fund Act
13.	Broad- Based Black Economic Empowerment Act 53 of 2003
14.	Electronic Communications and Transmission Act 25 of 2002
15.	Patent Act
16.	National Environmental Management Act
17.	Protection of Personal information Act
18.	Copyright Act 114 of 1998

7. RECORDS HELD AS A MATTER OF STANDARD PRACTICE (Section 51(1)(e))

SANBS keeps certain records in the conduct of its day to day business and as a matter of standard practice and good governance. The right and manner of access to these records will be provided in accordance with the Act (subject to the restrictions and right of refusal to access provided for in the Act). The following categories of records are held by SANBS.

Category	Description
Blood procurement records	<ul style="list-style-type: none"> • Donor consent questionnaire: contains relevant donor information and confidential questionnaire; • Donor and donation record: contains relevant donor information and the numbers and frequency of donations; • Bleeding sheet: contains donor's name, identity criteria and blood group; • Blood pack label: contains label attached to the blood pack that contains all relevant donor details, the place of donation and the date of expiry of the blood; and • Down-time records: contains all relevant donor information for use in the event of the electronic information system being off-line.
Quality Management	<ul style="list-style-type: none"> • Document control records: contain information relating to the Quality Manual Policy documents and Standard Operating Procedures; • Records index: contains an index of current and archived records relating to the quality of product and services provided; • Quality Control results: contains information relating to tests performed on products and reagents; • Complaints and non-conformance reports: contains information regarding nonconformance to standards and records of corrective actions taken; and • Records of superseded procedures, manuals and publications.
Research Development	<ul style="list-style-type: none"> • Study and research records – contains information on research protocols, approval certificates data and study reports; • Manufacturing documentation – contains information relating to growth factor production; and • Chronic wound treatment records – contains information and photographic records of treatment processes.
Information Technology	<ul style="list-style-type: none"> • Blood bank module: an interactive information system that integrates blood donor, donated blood unit, testing and patient information; • Laboratory modules: an interactive information system that

	<p>contains all relevant laboratory data;</p> <ul style="list-style-type: none"> • Accounts receivable module: contains interactive information system that stores and retrieves patient charge information; • Databases: containing information relating to the screening and blood grouping of donated blood; • Data repository system: Stores historical donated blood records and is used to determine trend analyses and blood donor profiling; and • Clocking system: controls and records information relating to employee working hours and movements.
Special investigations laboratory	<ul style="list-style-type: none"> • Donor blood reaction records; • All of the patient demographics; • All of the tests that were performed with the patient and the donor units; • A name of a contact hospital where the report has to go to; • An antibody investigation form is kept which contains the donor's demographics and all the relevant serological tests for irregular blood groups antibodies with a conclusion attached; and • Antenatal records are kept of pregnant females, which include the patient's name and clinic demographics. It also contains the blood group, Rh type and irregular antibody tests.
Reagents laboratory	A record is kept of the production of every batch of reagents. This includes the type of reagent, batch number, expiry date and the validity of the reagent for the specified test.
Tissue immunology	A record of all HLA typing performed is kept; this will include the patient or donor demographics. It will also include the Histocompatibility type of the person. A record is kept of bone marrow donors where the HLA type and relevant details of the donor will be kept.
Quality assurance laboratory	A record is kept of all standard operating procedures, which are used throughout the SABS. This includes all of the relevant procedures followed. A record is kept of all tests performed related to quality throughout the SANBS. This includes the type of material and the test performed. A conclusion as to the validity of the reagent is added to every report.
Components production laboratory	A label for the blood unit will be printed which contains all relevant details of the donor. A record is kept as to all of the various components that the unit of blood is divided into.
Incorporation documents	<ul style="list-style-type: none"> • The Memorandum of Incorporation of SANBS; and • The SANBS registration documents.
Company documents	<ul style="list-style-type: none"> • Minutes of meetings of the members and directors of SANBS; • Register of directors of SANBS; • Power of attorney agreements and a list of persons authorized to bind SANBS; • Statutory register of SANBS; • License to practice as a blood transfusion service; • Operational records; • Company directives; • Company policies; and • Insurance policies.
Financial documents	<ul style="list-style-type: none"> • Accounting records, books and documents of SANBS; • Auditor's reports in respect of audits conducted on SANBS; • Tax returns of SANBS; • VAT, PAYE and UIF records; and • Documents relating to employee tax directives.
Legal documents	<ul style="list-style-type: none"> • Claims against SANBS; • Claims by SANBS; and • Any other legal records.
Human resources / employment records	<ul style="list-style-type: none"> • List of employees; • Employee benefits;

	<ul style="list-style-type: none"> • Confidentiality agreements; • Casual employee records; • Employee records; • Service agreements; • Employment contracts; • Recruitment records; • Disciplinary records; • CCMA records; • Pension fund records; • Retirement records; • Remuneration and benefits records; • Medical aid records; • Agreements with Trade Unions; • Training schedules and manuals; and • Other information relating to employees of SANBS.
Property records	<ul style="list-style-type: none"> • Title deeds; • Lease agreements; and • Contracts in respect of properties.
Customer and Supplier records	<ul style="list-style-type: none"> • Agreements with Suppliers; • Terms and conditions; • Transaction details; • Debtors information; • Debtors' collections; • Agreements relating to trading activities of SANBS; • Agency, supply and distribution agreements; and • Purchase order information.
Medical records	<ul style="list-style-type: none"> • All other medical records not previously specified.
Correspondences	<ul style="list-style-type: none"> • Correspondences with third parties; and • All internal correspondences and memos.
Product Records	<ul style="list-style-type: none"> • Reports of testing of blood; and • General product test results.
Marketing records	<ul style="list-style-type: none"> • Marketing and advertising records; and • Campaign records.
Information Technology	<ul style="list-style-type: none"> • Business Data information; • IT Technology capabilities; and • Systems and User Manuals.

8. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

Records of public nature, typically those disclosed on the SANBS website and in its various annual reports, may be accessed without the need to submit a formal application.

9. REQUEST PROCEDURE

9.1. Who can make a PAIA Request?

9.1.1. Natural person;

9.1.2. Juristic person; or

9.1.3. Person acting on behalf of a natural or juristic person. If a request is made on behalf of a person, the requester must submit proof of authority upon which the requester is making the request to the satisfaction of the Deputy Information Officer.

9.2. To facilitate the processing of the request, the requester must:

9.2.1. Use the prescribed form attached hereto as **Form C**. The form is also available on the South African Human Rights Commission website at www.sahrc.co.za;

9.2.1.1. Address the request (by post email or fax) to the Deputy Information Officer;

9.2.1.2. Provide sufficient details to enable SANBS to identify:

- The record(s) requested;
- The requester;
- The form of access required;
- The postal address or fax number of the requester in the Republic;

- The right the requester is seeking to exercise or protect and provide an explanation on the request of why the requested record is required for the exercise or protection of that right;
 - If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state the manner and the necessary particulars to be so informed; and
 - If the request is made on behalf of a person, to submit proof of capacity in which the requester is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- 9.2.2. Records that cannot be found
- 9.2.2.1. If SANBS has taken all reasonable steps to find the records requested and there are reasonable grounds for believing that the records cannot be found or do not exist, the Deputy Information Officer will by way of affidavit or affirmation, notify the requester that it is not possible to give access to such records.
- 9.3. Fees (section 54)
- 9.3.1. The Act provides for two types of fees, namely:
- 9.3.1.1. A request fee: the cost to be paid for making a request for access to information; and
- 9.3.1.2. An access fee: this is the fee paid by the requester to the public or private body from which he is seeking information, to cover the costs of finding and copying the record the requester requires.
- 9.3.2. The Deputy Information Officer must, on receipt of the request, by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request. If a search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Deputy Information Officer shall notify the Requester to pay as a deposit, the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.
- 9.3.3. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer must repay the deposit to the Requester.
- 9.4. Decision and Extension of period to deal with request
- 9.4.1. The Deputy Information Officer must, as soon as reasonably possible, but in any event within 30 days, after the request has been received or after the particulars required in terms of section 53(2) of the Act has been received, decide in accordance with the Act whether:
- 9.4.1.1. To grant the request; and
- 9.4.1.2. Notify the requester of the decision and in the manner stated by the requester if it is reasonably possible.
- 9.4.2. The Deputy Information Officer may extend the original period of dealing with the request once for a further period of not more than 30 days, if the request:
- 9.4.2.1. Is for a large number of records;
- 9.4.2.2. Requires a search for records held at another office;
- 9.4.2.3. Requires consultation among divisions of a private body or another private body; or
- 9.4.2.4. Cannot be reasonably completed within the original period.
- 9.4.3. If the Deputy Information Officer fails to give a decision within the period prescribed, the Deputy Information Officer is regarded as having refused the request.

10. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

Access to information may be refused by SANBS on the following grounds:

- 10.1. Mandatory protection of privacy of a third party who is a natural person;
- 10.2. Mandatory protection of the commercial information of a third party;
- 10.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

- 10.4. Mandatory protection of the safety of individuals and protection of property;
- 10.5. Mandatory protection of records privileged from production in legal proceedings
- 10.6. Mandatory protection of the commercial activities of the SANBS;
- 10.7. Mandatory protection of Research information of SANBS and/or a third party, if its disclosure would disclose the identity of SANBS, the Researcher or the subject matter of the research and would place the research at a disadvantage; and/or
- 10.8. Mandatory disclosure in public interest.

11. REMEDIES WHEN A REQUEST IS REFUSED

SANBS does not have an internal appeal procedure in place to facilitate appeals against the refusal of the Deputy Information Officer. An aggrieved requester may approach the court, within 180 days of receipt of decision, for appropriate relief as provided for in section 78 of the Act.

12. THE PRESCRIBED FORMS

The prescribed forms and fees are available on the South African Human Rights Commission website (www.sahrc.co.za) and on the Department of Justice and Constitutional Development website under Regulations section (www.justice.gov.za). Please use **Form C** for requesting information from SANBS.

13. PRESCRIBED FEES IN RESPECT OF A PRIVATE BODY:

13.1. The following fees have been prescribed in the Regulation gazette number 7278 promulgated in terms of the Act and must be paid by the requester before the SANBS Deputy Information Officer can make any records requested available to the requester:

13.1.1. The fees for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size or part thereof; and

13.1.2. The fees for production referred to in regulation 11(1) are as follows:

For every photocopy of A4-size page or part thereof	R 1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on- (i) Stiffy disc (ii) Compact disc	R7,50 R70.00
For a transcription of visual images: (iii) For an A4-size page or part thereof (iv) For a copy of visual image	R40.00 R60.00
For a transcription of an audio record: (v) For an A4-size page or part thereof (vi) For a copy of an audio-visual record	R20.00 R 30.00

13.1.3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.

13.2. The access fees payable by a requester referred to in regulation 11(3) are as follows:

For every photocopy of an A4-size page or part thereof.	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form.	R0.75
For copy in a computer-readable on: (i) Stiffy disc. (ii) Compact disc.	R7.50 R70.00
For a transcription of visual images, for an A4-size page or part thereof. For a copy of visual images.	R40.00 R60.00
For a transcription of an audio record, for an A4-size page or part thereof. For a copy of an audio record.	R20.00 R30.00

To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation.	R30.00
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- 13.3. In terms of section 54 (2) of the Act, the head of a private body to whom a request for access is made must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request, if:
- 13.3.1. The search for a record of a private body in respect of which a request for access by a requester, other than a personal requester, has been made; and
- 13.3.2. Where the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa), would, in the opinion of the head of the private body concerned, require more than the hours prescribed for this purpose for requester.

A. Particulars of private body

The Deputy Information Officer: _____

B. Particulars of person requesting access to the record

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (FORM C)
 (Section 53(1) of the Promotion of Access to Information Act, 2000
 (Act No. 2 of 2000)
 [Regulation 10]

NOTE: Proof of the capacity in which request is made, when made on behalf of another person must be attached

- (a) The particulars of the person who requests access to the record must be given below.
- Full names and surname: _____
 Identity number: _____
 Postal address: _____
 Fax number: _____
 Telephone number: _____
 E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request for information is made on behalf of another person.

Full names and surname: _____
 Identity number: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Description of Documents/Records	Reference Number, if available	Any further particulars of the record

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required:

Disability: _____

Form in which the record is required: _____

Note:

- (a) Compliance with your request for access in the specified form depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined by the form in which access is requested.

Mark the appropriate box with an **X**

1. If the record is in a written or printed form						
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. If record consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):						
<input type="checkbox"/>	View images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of the images	<input type="checkbox"/>
3. If record consists of recorded words or information which can be reproduced in sound:						
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. If record is held on computer or an electronic or machine-readable form:						
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)	<input type="checkbox"/>

*If you requested a copy of transcription of record (above), do you wish the copy or transcription to be posted to you? Postage payable	Yes	No
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G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form
The requester must sign at the additional folios.

1. Indicate which right is to be exercised or protected: _____

2. Explain why the record requested is required for the exercise or protection if the aforementioned right: _____

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to record?

Signed at.....This.....day of20

 SIGNATURE OF REQUESTER /
 PERSON ON WHOSE BEHALF THE REQUEST IS MADE

Revision Summary

VERSION NUMBER	REVISION DETAILS
2	<ul style="list-style-type: none"> • Changed the Information officer and Deputy Information Officer names; • Changed to reflect that requests for access to information delegated to the Deputy Information Officer; and • Changed requestor to requester.