



**SOUTH AFRICAN MEDICAL RESEARCH COUNCIL  
PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

**MANUAL PREPARED IN TERMS OF SECTION 14 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT, No 2  
OF 2000)**

**2020/21**

## TABLE OF CONTENTS

Abbreviations .....	4
Definitions.....	5
1. Introduction .....	6
2. South African Medical Research Council locations and contact details .....	6
2.1. SAMRC general information .....	7
3. Mandate, functions and structure of the South African Medical Research Council .....	7
3.1. SAMRC Mandate.....	7
3.2. Vision.....	7
3.3. Mission .....	7
3.4. SAMRC Values .....	7
3.5. SAMRC leadership structure .....	8
3.6. Strategic programmes of the SAMRC .....	8
4. Contact details of Information Officers and general information .....	10
4.1. Information Officer .....	10
4.2. Deputy Information Officers .....	10
5. South African Human Rights Commission (SAHRC) Guide on how to use PAIA.....	11
6. Access to records held by the SAMRC .....	11
6.1. Right of access to records of a public body as contemplated in section 11(1)(a) and (b) of PAIA.....	11
6.2. Records that are available for inspection in terms of legislation other than PAIA, as contemplated in section 15(1)(a)(i) of PAIA .....	11
6.3. Records that are automatically available for purchase or copying from the SAMRC as contemplated in section 15(1)(a)(ii) of PAIA.....	12
6.4. Records that are automatically available as contemplated in section 15(1)(a)(iii) of PAIA...	12
6.5. Records that are not automatically available .....	13
7. Request procedures.....	14
7.1. Form of request.....	14
7.2. Duty to assist.....	14
7.3. Transfer of requests .....	15
7.4. Preservation of records until final decision on records .....	15
7.5. Fees payable.....	15

7.5.4. Request fee .....	15
7.5.5. Access fee .....	15
7.5.6. Postage and Deposit .....	16
7.6. Records that cannot be found or do not exist .....	16
7.7. Deferral of access.....	16
7.8. Decision on request on notice thereof, extension of period to deal with request and deemed refusal of request.....	16
7.9. Severability .....	17
7.10. Access, form and language of access .....	17
7.11. Access to health and other records.....	17
7.12. Grounds for refusal or access to records .....	17
7.13. Notice to and representation by a third party .....	18
7.14. Decision on representation for refusal and notice thereof .....	19
8. Remedial steps .....	19
9. Update and publication of the manual.....	19
10. Availability of the manual.....	20
10.3. APPENDIX A.....	21
APPENDIX B.....	27

## Abbreviations

<b>AIDS</b>	Acquired immunodeficiency syndrome
<b>CAPRISA</b>	Centre for the Aids Programme of Research in South Africa
<b>CD</b>	Compact Disk
<b>CEO</b>	Chief Executive Officer
<b>CPUT</b>	Cape Peninsula University of Technology
<b>EFT</b>	Electronic Funds Transfer
<b>HIV</b>	Human Immunodeficiency Virus
<b>SAMRC</b>	South African Medical Research Council
<b>NHLS</b>	National Health Laboratory Service
<b>NICD</b>	National Institute for Communicable Diseases
<b>NWU</b>	North West University
<b>PAIA</b>	Promotion of Access to Information Act
<b>PhD</b>	Doctor of Philosophy
<b>SANBI</b>	South African National Biodiversity Institute
<b>SAHRC</b>	South African Human Rights Commission
<b>SAMRC</b>	South African Medical Research Council
<b>SU</b>	Stellenbosch University
<b>TB</b>	Tuberculosis
<b>TUT</b>	Tshwane University of Technology
<b>UCT</b>	University of Cape Town
<b>UFH</b>	University of Fort Hare
<b>UKZN</b>	University of KwaZulu-Natal
<b>UP</b>	University of Pretoria
<b>UWC</b>	University of the Western Cape

**Definitions**

In this manual any word or expression to which a meaning has been assigned in the Promotion of Access to Information Act, No. 2 of 2000 and Administration of Estates Act 66 of 1965 shall bear that meaning and, unless the context otherwise indicates.

## 1. Introduction

- 1.1. The South African Medical Research Council (SAMRC) is a Schedule 3A public entity in terms of the Public Finance Management Act, 1999 (PFMA)
- 1.2. The mandate of the SAMRC is legislated in terms of SAMRC Act, No 58 of 1991 (as amended)
- 1.3. The SAMRC provides leadership to medical research in South Africa, and as such it has accumulated considerable amount of records while it conducts its business.
- 1.4. It is acknowledged that records held by that SAMRC may be of benefit to wide a spectrum of stakeholders, including the general public, government departments, public/private bodies, funders, researchers, collaborators, etc. Therefore, this manual is intended to facilitate requests made in terms of the Promotion of Access to Information Act (PAIA), No 2 of 2000 [hereafter referred to as "PAIA"].
- 1.5. This manual contains the following:
  - 1.5.1. SAMRC mandate, functions and structure.
  - 1.5.2. Contact details of the SAMRC information officer and deputy information officers.
  - 1.5.3. Reference to the South African Human Rights Commission (SAHRC) guide on how to use PAIA.
  - 1.5.4. Records held by the SAMRC, including those that do or do not require for a person to request them in terms of PAIA.
  - 1.5.5. Procedures on how to access records held by the SAMRC, and fees payable (where applicable).
  - 1.5.6. Which, when and why can access to records held by the SAMRC be refused in terms of PAIA.
- 1.6. SAMRC records are not necessarily centralised at one point and access to some records (if granted) may require additional time (extension) to source them.

## 2. South African Medical Research Council locations and contact details

Province	Address	Telephone number
Western Cape (Head office)	Francie van Zijl Drive, Parowvallei, Cape Town; PO Box 19070, Tygerberg 7505, South Africa	+27 21 938 0911
Western Cape (Branch)	Off Hindle Road, Brentwood Park, Driftsands, Cape Town, 7580	+27 21 955 1900
Gauteng (Branches)	1 Soutpansberg Road, Pretoria, Private Bag x385, 0001 Pretoria, South Africa	+27 12 339-8500
	University of Johannesburg, Cnr Sherwell and Beit Street, Synagogue Building, Doornfontein Campus, Johannesburg	072 762 3548 or 082 059 5756
Kwazulu-Natal (Branches)	491 Peter Mokaba Ridge Road, Overport, Durban; PO Box 70380, 4091 Overport, South Africa	+27 31 203-4700
	Village Market, 123 Jan Hofmeyer Road, Westville 3630, Durban	+27 31 242-3600

## **2.1. SAMRC general information**

- 2.1.1. General email: [info@mrc.ac.za](mailto:info@mrc.ac.za)
- 2.1.2. Website: [www.samrc.ac.za](http://www.samrc.ac.za)
- 2.1.3. Facebook: @samrc.za
- 2.1.4. Twitter: @MRCza
- 2.1.5. LinkedIn: <https://www.linkedin.com/company/south-african-medical-research-council/>

## **3. Mandate, functions and structure of the South African Medical Research Council**

### **3.1. SAMRC Mandate**

- 3.1.1. The SAMRC was established in 1969 to conduct and fund health research, health innovation, development and research translation. The SAMRC focuses on the top ten causes of mortality, co-morbidities, disability and associated risk factors. The scope of research includes laboratory investigations, pre-clinical and clinical research, and public health studies.
- 3.1.2. The objects of the SAMRC are, through research, development and technology transfer, to promote the improvement of the health and quality of life of the population of the Republic, and to perform such functions as maybe assigned to the SAMRC by or under the SAMRC Act, No 58 of 1991.
- 3.1.3. The SAMRC is the largest local funder of health research, medical diagnostics, medical devices, and therapeutics. To build human capacity in healthcare and ensure the sustainability of health research, the SAMRC has defined research capacity programmes, providing scholarships to Masters, PhDs and Postdoctoral scholars in medical and health sciences.
- 3.1.4. The South African Constitutional base which supports the SAMRC's mandate are Chapter 2-Bill of Rights, Chapter 10 - Public Administration and Chapter 13-Finance. The following sections of the Bill of Rights, without limitation, are particularly relevant for the SAMRC.

### **3.2. Vision**

- 3.2.1. Building a healthy nation through research, innovation and transformation

### **3.3. Mission**

- 3.3.1. To advance the nation's health and quality of life and address inequity by conducting and funding relevant and responsive health research, capacity development, innovation and research translation.

### **3.4. SAMRC Values**

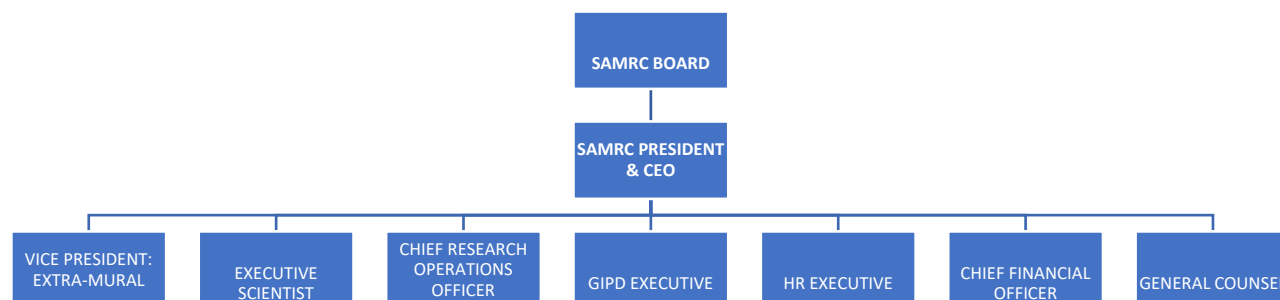
- 3.4.1. The SAMRC is guided by the following values that form the foundation of our organisation:
  - 3.4.1.1. **Pioneering:** We push the boundaries between the known and the unknown to further our knowledge of human health within the prescripts of responsible (ethical) conduct of research.
  - 3.4.1.2. **Partnering:** We celebrate the capacity of collective minds towards a common goal. We build partnerships with many stakeholders at local, national, regional and

international levels to exchange ideas, advances shared goals, optimize use of resources to minimise duplication, and leverage funding.

- 3.4.1.3. **Excellence:** We strive for distinction in everything we do by developing highly skilled personnel, capacity building and transformation, and conducting research of high value.
- 3.4.1.4. **Respect:** We value and respect our communities, participants, researchers and funders.
- 3.4.1.5. **Integrity:** We commit to transparency, accountability, open communication and ethical conduct.
- 3.4.1.6. **Citizenship:** We demonstrate responsibility to the community, nation and the World.

### 3.5. SAMRC leadership structure

- 3.5.1. The diagram below is a high-level leadership structure of the SAMRC.



- 3.5.2. The Board, appointed by the National Minister of Health is the accounting authority and responsible for corporate governance of the SAMRC.
- 3.5.3. The Board appoints the SAMRC President & CEO, who heads the Executive Management Committee, which is responsible for the day-to-day operations of the organisation.
- 3.5.4. The SAMRC has a staff complement, which include researchers, technical, and administrative support staff.

### 3.6. Strategic programmes of the SAMRC

In addition to administrative and technical support divisions, the SAMRC is organised into the following strategic research programmes:

- 3.6.1. Programme 1: Health Promotion & Disease Prevention
- 3.6.1.1. Its aim is to conduct research using a life course approach to healthy lifestyles, early diagnosis, and cost-effective prevention and management of diseases through health promotion.
- 3.6.1.2. Units that constitute this programme include the following:
- Alcohol, Tobacco and Other Drugs Research Unit
  - SAMRC/UCT Risk and Resilience in Mental Disorders Research Unit
  - Non-Communicable Diseases Research Unit
  - Environment and Health Research Unit
  - SAMRC/Wits Rural Public Health and Health Transition Research Unit



- (f) SAMRC/Unisa Violence, Injury and Peace Research Unit (to change to Masculinity and Health)
- (g) SAMRC/NWU Hypertension and Cardiovascular Disease Research Unit
- (h) SAMRC/UFH Microbial Water Quality Monitoring Research Unit
- (i) SAMRC Centre for Health Economics and Priority Setting Research Unit

### 3.6.2. Programme 2: Maternal, Child and Womens' Health

3.6.2.1. Its purpose is to improve the health status and quality of life of women and children through high-quality scientific research that informs policy and practice, improves health services and promotes health

3.6.2.2. Units that constitute this programme include the following:

- (a) Gender and Health Research Unit
- (b) SAMRC/UP Maternal and Infant Health Care Strategies Research Unit
- (c) SAMRC/Wits Development Pathways Research Unit
- (d) SAMRC/UCT Child and Adolescent Lung Health Research Unit

### 3.6.3. Programme 3: HIV, AIDS, TB and Other Communicable Diseases

3.6.3.1. Its intention is to conduct research on preventing HIV and related co-morbidities including TB and other infectious diseases, such as malaria. It seeks to contribute to the national and international science system by testing TB drugs and malaria insecticides, carry out the AIDS Vaccine project through coordinating development and test HIV vaccines in South Africa, in partnership with our funders and our regional counterparts.

3.6.3.2. Units that constitute this programme include the following:

- (a) HIV Prevention Research Unit
- (b) Centre for Tuberculosis Research Unit
- (c) Office of Malaria Research
- (d) SAMRC/CAPRISA/UKZN HIV-TB Pathogenesis and Treatment Research Unit
- (e) SAMRC/NHLS/UCT Molecular Mycobacteriology Research Unit
- (f) SAMRC/NHLS/Wits Respiratory and Meningeal Pathogens Research Unit
- (g) AIDS and TB Research Unit (TB REPORT | TB Platform |Social Impact Bond)
- (h) SAMRC/UCT Centre for the Study of Antimicrobial Resistance

### 3.6.4. Programme 4: Health Systems Strengthening

3.6.4.1. The purpose of this is to contribute to health systems strengthening by undertaking systematic reviews, health policy and health systems research to provide evidence for policymakers, stakeholders and researchers seeking to address today's most pressing health challenges. The programme aims to take advantage of information and technology by exploring and expanding the role of eHealth (health informatics, digital health, tele health, telemedicine, eLearning and mobile health) in strengthening health systems.

3.6.4.2. Units that constitute this programme include the following:

- (a) Burden of Disease Research Unit
- (b) Biostatistics Research Unit
- (c) South African Cochrane Centre
- (d) Health Systems Research Unit

## (e) SAMRC/UWC Health Services to Systems Research Unit

## 3.6.5. Programme 5: Public Health Innovation

3.6.5.1. This programme is aimed at promoting the improvement of health and quality of life (impact prevention of ill health, improvement of public health and treatment) in the Republic of South Africa through innovation, and technology development and transfer

3.6.5.2. Units that constitute this programme include the following:

- (a) SAMRC/UCT Drug Discovery and Development Research Unit
- (b) Primate Unit and Delft Animal Centre
- (c) The Biomedical Research and Innovation Platform
- (d) SAMRC/TUT Herbal Drugs Research Unit

## 3.6.6. Programme 6: Biomedical Research

3.6.6.1. The purpose of this programme is to conduct basic research, applied research and transactional research to determine predisposition to disease. This understanding is important for planning effective intervention and disease control.

3.6.6.2. Units that constitute this programme include the following:

- (a) SAMRC/SANBI/UWC Bioinformatics Capacity Development Research Unit
- (b) SAMRC/UCT Immunology of Infectious Diseases Research Unit
- (c) SAMRC/UP Stem Cell Research and Therapy Unit
- (d) SAMRC/ WITS Antiviral Gene Therapy Research Unit
- (e) SAMRC/NICD Antibody Immunity Research Unit
- (f) SAMRC/CPUT Cardiometabolic Health Research Unit
- (g) SAMRC/SU Genomics of Brain Disorders Research Unit
- (h) SAMRC/UP Precision Prevention and Novel Drug Targets for HIV-Associated Cancers
- (i) SAMRC/UCT Wound and Keloid Scarring Translational Research Unit

**4. Contact details of Information Officers and general information****4.1. Information Officer**

The President & Chief Executive Officer	Postal Address	Telephone	Fax
	South African Medical Research Council P.O Box 19070 Tygerberg, 7505 Republic of South Africa	+27 21 938 0911	+27 21 938 0200

**4.2. Deputy Information Officers**

4.3. In terms of section 17(1) of PAIA, SAMRC has appointed staff members indicated in section A of form A (Appendix A of this manual) as deputy information officers.

4.4. The Information Officer has, in terms of section 17(3) of PAIA, delegated his/her various powers and duties to the Deputy Information Officers.

4.5. All requests for information under PAIA must be submitted and will be attended to by the Deputy Information Officers, in the manner consistent with the procedure set out in PAIA and this manual.

## **5. South African Human Rights Commission (SAHRC) Guide on how to use PAIA**

5.1. The SAHRC compiled a guide as contemplated in section 10 of PAIA

5.2. The guide contains information to assist any person who wishes to exercise any right as contemplated by PAIA

5.3. The contact details of the SAHRC are

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

5.4. All queries relating to the guide and the administration of PAIA must be directed to the SAHRC at the address mentioned above.

## **6. Access to records held by the SAMRC**

### **6.1. Right of access to records of a public body as contemplated in section 11(1)(a) and (b) of PAIA**

6.1.1. A will be given access to a record of a public body if the requester complies with the following:

6.1.1.1. All the procedural requirements in PAIA relating to the request for access to that record; and

6.1.1.2. Access to that record is not refused on any ground of refusal mentioned in the Part 2 (Chapter 4) of PAIA.

### **6.2. Records that are available for inspection in terms of legislation other than PAIA, as contemplated in section 15(1)(a)(i) of PAIA**

6.2.1. The following records are automatically available to any interested person free of charge and without a request.

6.2.1.1. Animal Disease Act, No 35 of 1984

6.2.1.2. Animal Health Act, No 7 of 2002

6.2.1.3. Animal Protection Act, No 71 of 1962

6.2.1.4. Basic Conditions of Employment Act, No 57 of 1997

6.2.1.5. Broad Based Black Economic Empowerment Act, No 53 of 2003

6.2.1.6. Compensation for Occupational Injuries and Diseases Act, No 130 of 1993

6.2.1.7. Constitution of the Republic of South Africa Act, No 108 of 1996

6.2.1.8. Electronic Communications and Transactions Act, No 25 of 2002

6.2.1.9. Employment Equity Act, No 55 of 1998

6.2.1.10. Hazardous Substance Act, No 15 of 1973

6.2.1.11. Health Professions Act, No 56 of 1974

6.2.1.12. Human Tissue Act, No 65 of 1983

6.2.1.13. Income Tax Act, No 58 of 1962

6.2.1.14. Labour Relations Act, No 66 of 1995

6.2.1.15. Medicines and Related Substances Control Act, No 101 of 1965

6.2.1.16. National Health Act, Act No 61 of 2003

6.2.1.17. Occupational Health and Safety Act, No 85 of 1993

- 6.2.1.18. Pharmacy Act, Act No 53 of 1974
- 6.2.1.19. Preferential Procurement Policy Framework Act, No 5 of 2000
- 6.2.1.20. Promotion of Access to Information Act, No 2 of 2000
- 6.2.1.21. Protected Disclosures Act, No 26 of 2000
- 6.2.1.22. Protection of Personal Information Act, No 4 of 2013
- 6.2.1.23. Public Finance Management Act, No 1 of 1999
- 6.2.1.24. South African Medical Research Council Act, No 58 of 1991
- 6.2.1.25. Skills Development Act, No 97 of 1998
- 6.2.1.26. Skills Development Levy Act, No 9 of 1999
- 6.2.1.27. Unemployment Insurance Act, No 30 of 1966
- 6.2.1.28. Value Added Tax Act, No 89 of 1991
- 6.2.1.29. Veterinary and Para-Veterinary Professions Act, No 19 of 1982(amended 1993)
- 6.2.2. Some records mentioned above may be available on the SAMRC website and others not. Should any of the above records not be available on the SAMRC website, you may obtain them by sending email to one of the Deputy Information Officers without completing Form A (Appendix A of this manual).

### **6.3. Records that are automatically available for purchase or copying from the SAMRC as contemplated in section 15(1)(a)(ii) of PAIA**

- 6.3.1. Currently, SAMRC has no records that fall under this category.

### **6.4. Records that are automatically available as contemplated in section 15(1)(a)(iii) of PAIA**

- 6.4.1. The following records are voluntarily disclosed and automatically available to any interested person/party/body free of charge and without a request and can be accessed from the SAMRC website ([www.samrc.ac.za](http://www.samrc.ac.za)):
  - 6.4.1.1. Audited Annual Financial Statements (forms part of the Annual Reports)
  - 6.4.1.2. Annual Performance Plans
  - 6.4.1.3. Annual Reports
  - 6.4.1.4. Audit Reports (forms part of the Annual Reports)
  - 6.4.1.5. Board Members' and Executive Directors emoluments (forms part of the Annual Reports)
  - 6.4.1.6. Contact details of deputy information officers
  - 6.4.1.7. Forms
  - 6.4.1.8. Guidelines
  - 6.4.1.9. Job opportunities (adverts)
  - 6.4.1.10. PAIA Manual
  - 6.4.1.11. Policies
  - 6.4.1.12. Policy briefs
  - 6.4.1.13. Press releases
  - 6.4.1.14. Publications
  - 6.4.1.15. Reports
  - 6.4.1.16. Research in the public domain
  - 6.4.1.17. Research publications
  - 6.4.1.18. Reviews
  - 6.4.1.19. Strategic Plans
  - 6.4.1.20. Tender documents

- 6.4.1.21. Terms of references for the Human Research Ethics Committee and Ethics Committee for Research on Animals
- 6.4.1.22. Video library
- 6.4.2. Save for the records mentioned under section 6.2 of this manual, any other records that cannot be accessed from the SAMRC website are not voluntarily disclosed and not automatically available. Access to these records will require specific request as outlined in this manual. Please note that access to some records may be refused.

## **6.5. Records that are not automatically available**

- 6.5.1. The following records are not automatically available without request in terms of PAIA. Request for these records is subject to section 34(1) of PAIA, which makes provision for the information officer to refuse a request for access to a record of the SAMRC if its disclosure would involve unreasonable disclosure of personal information about a third party, including a deceased individual.
  - 6.5.1.1. Facilities Management
    - (a) Building maintenance
    - (b) Lease agreements
    - (c) Building plans
  - 6.5.1.2. Finance
    - (a) Internal audit plans
    - (b) Budgets,
    - (c) Debtors' control,
    - (d) Creditors' controls,
    - (e) Insurance,
    - (f) Tenants
  - 6.5.1.3. Human Resources and Payroll
    - (a) Personal information
    - (b) Employment history
    - (c) Payroll
    - (d) Salary advice
    - (e) Personnel health records
    - (f) Leave records
    - (g) Employee benefits and incentives
    - (h) Recruitment information
    - (i) Disciplinary actions
    - (j) Job profiles
    - (k) Performance management
    - (l) Training and skills development
    - (m) Staff list
    - (n) Any information that SAMRC human Resources Department receives or collects from time-to-time
  - 6.5.1.4. Information Technology
    - (a) Network security

- (b) Information systems
  - (c) Software licenses
  - (d) Information technology assets
  - (e) Electronic mail correspondences
- 6.5.1.5. General information
- (a) Meetings' minutes
- 6.5.1.6. Legal
- (a) Legal advice(s)
  - (b) Contracts and agreements
- 6.5.1.7. Project and Accounting Management
- (a) Funders and donors contact details
- 6.5.1.8. Research Units
- (a) Funding proposals
  - (b) Research protocols
  - (c) Research results
  - (d) Correspondences with funders, collaborators and other researchers
  - (e) Research participants details, including personal information
- 6.5.1.9. Supply Chain Management
- (a) Suppliers details
  - (b) Agreements with suppliers
  - (c) Bid committees administration
- 7. Request procedures**
- 7.1. Form of request**
- 7.1.1. As contemplated in section 18(1) of PAIA, a requester must use the Form A (Appendix A). This form must be completed in full, including signatures, and clearly indicate the record(s) requested. Requests on incomplete form will not be processed.
- 7.1.2. Request for access to records must not be sent to the information officer. Submit request on fully completed form to the deputy information officer(s), through the contact details indicated in section A of Form A.
- 7.1.3. In line with section 18(3)(a) of PAIA, an individual who because of illiteracy or disability is unable to make request for access to a record in accordance to section 18(1) of PAIA, may make a request verbally to the deputy information officer(s). Deputy information officer will capture that request in Form A and provide a copy thereof to the requester.
- 7.2. Duty to assist**
- 7.2.1. In line with section 19(1) of PAIA, the deputy information officer(s) will offer reasonable assistance, free of charge, as is necessary to enable the requester to comply with section 18(1) of PAIA.

### **7.3. Transfer of requests**

- 7.3.1. As per section 20 of PAIA, should the request submitted to the SAMRC be for the records not held by- or under control of the SAMRC and the deputy information officer knows which other public body has those records, the deputy information officer to whom request is made will, within 14 days after the request is received, transfer the request to the information officer of the other public body. The deputy information officer will inform the requester about such transfer, and reasons thereof.
- 7.3.2. In line with above clause, should the deputy information officer not know which other public body has the records requested, the deputy information officer will unfortunately not be able to transfer the request and will accordingly inform the requester.

### **7.4. Preservation of records until final decision on records**

- 7.4.1. The deputy information officer to whom request has been made will take all reasonable steps to preserve and not delete any requested record until the deputy information officer has notified the requester about his/her decision in terms of section 25 of PAIA and the period within which to make any application to a court or to appeal against a decision of that court has expired, or until an application or appeal against the decision of that court or other legal proceedings in connection with the request has been finally determined, whichever is the later.

### **7.5. Fees payable**

- 7.5.1. There are two types of fees required to be paid in terms of the PAIA, being the request fee and the access fee.
- 7.5.2. The request and access fees shall be paid by the requester into the SAMRC bank, using the banking details provided in section A of Form A (Appendix A).
- 7.5.3. Proof of payment must be sent to the deputy information officer to whom request of access to records was sent to.
- 7.5.4. Request fee
- 7.5.4.1. As per section 22(1) of PAIA, the deputy information officer will notify the requester by notice, requiring the requester to pay the prescribed request fee (if any) before further processing the request.
- 7.5.4.2. Personal requester as referred to in section 11(2) of PAIA is not required to pay the request fee.
- 7.5.4.3. The request fee payable by every requester is R 35.00.
- 7.5.5. Access fee
- 7.5.5.1. As per section 22(6) and 25(2)(a) of PAIA, a requester whose request for access to a record of a public body has been granted, must pay an access fee.
- 7.5.5.2. If the request is granted, access fee must be paid for the search, preparation, reproduction, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 7.5.5.3. Personal requester is not required to pay the access fee. Every other requester, who is not a personal requester, must pay the required fee.
- 7.5.5.4. The schedules of access fees payable by a requester as referred to in sections 15(3) and 22(7) of PAIA, and fees exempted under section 22(8) of PAIA, are indicated in Annexure B of this manual.

#### 7.5.6. Postage and Deposit

- 7.5.6.1. The actual postal fee is payable when a copy of a record must be posted to a requester. This fee must be paid upfront before a copy of a record is posted.
- 7.5.6.2. For the purposes section 22(2) of PAIA, six hours are the hours to be exceeded before deposit is payable, and one third of the access fee is payable as a deposit by the requester.

#### 7.6. **Records that cannot be found or do not exist**

- 7.6.1. Should after all reasonable steps have been taken a record not been found or does not exist at the SAMRC, the deputy information officer will notify the requester about the same through affirmation, giving all accounts of steps taken to find or determine whether the requested record exists.
- 7.6.2. Should the record be found at a later stage, the requester will be given access unless access is refused on grounds for refusal contemplated in Part 2, Chapter 4, of PAIA and/or section 7.12.1 of this manual.

#### 7.7. **Deferral of access**

- 7.7.1. Should access be granted, and record in question is to be published within 90 days or such further reasonable period after receipt of request, or is required by the law to be published but not yet published, or is prepared for submission to the relevant stakeholders but is yet to be submitted, the deputy information officer may defer access to that record for a reasonable period and notify the requester about such deferral.
- 7.7.2. Requester may within 30 days make representation to the deputy information officer why such record should be made available before such publication and submission referred to in section 7.7.1 of this manual. The deputy information officer will consider submitted representation and will only grant access if there are reasonable grounds that the requester will suffer substantial prejudice if access is deferred.

#### 7.8. **Decision on request on notice thereof, extension of period to deal with request and deemed refusal of request**

- 7.8.1. As contemplated in section 25(1) of PAIA, the deputy information officer will notify requesters within 30 days after receipt of request (notification period), his/her decision whether to grant access to records or not.
- 7.8.2. Should the deputy information officer fail to give the decision within the notification period, it may be regarded that access to records has been refused.
- 7.8.3. The deputy information officer may implement a once-off 30 days' extension of the notification period with written consent from the requester, as provided for in section 26(1) of PAIA.
- 7.8.4. Should the requester be refused access to records, the deputy information officer will notify requester and provide reason(s) for the refusal, without making any reference to the content of the record, and requester may follow remedies mentioned in section 8 of this manual.



## **7.9. Severability**

- 7.9.1. As contemplated in section 28 of PAIA, there may be instances where access to certain parts of the requested record may be disclosed/granted, and request to other parts of the record be refused.
- 7.9.2. Should a requester need full access to the record, he/she may follow steps mentioned in section 8 of this manual.

## **7.10. Access, form and language of access**

- 7.10.1. Requester whose request has been granted will be given access to record, subject to paying applicable fees, in the applicable form as the requester indicated in the request.
- 7.10.2. It will be impossible to give access to records in a different form other than that prescribed in this manual, since alternative forms may interfere with administrative effectiveness of the SAMRC, or impact preservation of the record, or infringe copyright not owned by the SAMRC.
- 7.10.3. Notwithstanding section 7.10.2 of this manual, SAMRC will take all reasonable steps to avail records to people with disability in the form which is capable of being read, viewed or heard by the requester with disability.
- 7.10.4. Access to requested records will be given in the language that the record exists in (mostly English), save for if it also exists in the language the requester prefers.

## **7.11. Access to health and other records**

- 7.11.1. SAMRC is in possession of some staff members' health records. These records are kept at the Human Resources (HR) department, and request for these records should be directed to deputy information officer.
- 7.11.2. Staff health records held by the SAMRC cannot be disclosed to any requester, except for personal requester, unless directed so by the competent court.
- 7.11.3. Request for access to health records by personal requester may also be provisionally refused should it be deemed that disclosure may cause serious harm to the personal requester. Access to such records will only be granted after consultation with the personal requester's health practitioner, and pre-and-post disclosure counselling has been arranged, where considered necessary by the health practitioner, to alleviate or avoid harm to the personal requester.
- 7.11.4. Should a third party require access to health records of any SAMRC employee, they should do so through the personal requester route, i.e. the personal requester can, where granted access, directly send records to the third party.

## **7.12. Grounds for refusal or access to records**

- 7.12.1. The request for access to a record will be refused if:
- (a) its disclosure would involve unreasonable disclosure of personal information about a third party, including the deceased individual. Refusal of access to records may only be reversed if the person concerned has consented to giving access to such records, except for health records, and in accordance with the law;
  - (b) it contains trade secrets, financial, commercial scientific or technical information of a third party;
  - (c) it contains preliminary, working or draft information;

- (d) information is supplied in confidence by a third party and it can reasonably be expected that its disclosure will cause harm to or disadvantage the third party;
- (e) it could reasonably be expected to endanger life or physical safety of an individual;
- (f) it may impair the security of facilities and methods, plans or procedures for the protection of individual or facilities;
- (g) its disclosure would constitute breach in terms of contractual agreement;
- (h) it is protected from disclosure by legal or other similar privilege such as but not limited to doctor/patient privilege unless the person entitled to the privilege has waived the privilege;
- (i) if disclosure of information about research conducted or to be conducted on or on behalf of third party would likely expose the third party, researcher or research participant to a serious disadvantage;
- (j) it contains opinion, advice, report, recommendations, or account of consultations, discussions minutes of meetings, etc. for the purpose of assisting for the purpose of operations of the SAMRC;
- (k) if its disclosure could reasonably be expected to deliberately frustrate the effectiveness of operations and functions of the SAMRC, cooperation with its counterparts;
- (l) the request is manifestly frivolous or vexatious; or
- (m) the work involved in processing the request would substantially and unreasonably divert resources of the SAMRC.

7.12.2. Requester will not be refused access to a record that:

- (a) is for the personal requester, save for exception made under section 7.11.3 of this manual;
- (b) is in the public domain;
- (c) belong to the class of information that would or might be made available to the public;
- (d) is already publicly available;
- (e) is about the deceased individual and requester is his/her next of kin;
- (f) is about the deceased individual and the requester is an executor, substantiated by possession of "letters of executorship" as contemplated and defined in section 1 of the Administration of Estates Act, No 6 of 1965;
- (g) is about individual's position or functions at the SAMRC;
- (h) the third party has consented to its disclosure;
- (i) contains information of or about the third party which may reveal a serious public safety or environmental risk;
- (j) its disclosure will reveal evidence of substantial contravention of or failure to comply with the law; or
- (k) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

### **7.13. Notice to and representation by a third party**

7.13.1. Within 21 days after receipt of the request, the deputy information officer will notify the third party about:

- (a) consideration of request for access to a record contemplated in section 7.12.1 of this manual;
- (b) details of requester;
- (c) the fact that the deputy information officer is determining whether section 7.12.2(j) of this manual might apply; and
- (d) the right of the third party to, within 21 days after receipt of notification, make written or oral representations to the deputy information officer why the request for access to a record should be refused or give consent for the disclosure of the record to the requester.

7.13.2. Should the third party not be notified as stated in section 7.13.1 of this manual, and the third party becomes aware about a request for access to a record, he/she may still make representation referred to in section 7.13.1(d) of this manual.

#### **7.14. Decision on representation for refusal and notice thereof**

7.14.1. Within 30 days after a third party is informed as per section 47 of PAIA, the deputy information officer will decide whether to grant the request for access, and will notify the third party that made representation, including one that was not notified but made representation as contemplated in section 48 of PAIA, about the decision of the deputy information officer.

Should it be impossible to notify the third party, after the taking of all reasonable steps by the deputy information officer, the request for access may be refused since the third party would not have had the opportunity to make representation. If requester still needs access to a record, he/she may follow steps mentioned in section 8 of this manual.

#### **8. Remedial steps**

8.1.1. According to section 74 of PAIA, a requester may lodge an internal appeal against a decision of the (deputy) information officer of a public body referred to in paragraph (a) of the definition of “public body” in section 1, to refuse a request for access or taken in terms of sections 22-fees, 26(1)-extension period to deal with request or 29(3)-access and forms of access, in relation to requester with the relevant authority.

8.1.2. The SAMRC performs public function in terms of the SAMRC Act, No. 58 of 1991, and thus fall under the definition of a “public body” referred to in section 1, paragraph (b)(ii) of PAIA. However, the definitions of relevant authority provided in section 1 of PAIA, does not provide who the relevant authority should be for the public bodies that are referred to under section 1, paragraph (b)(ii) of PAIA. Consequently, SAMRC cannot have relevant authority in terms of PAIA, to whom a requester may lodge internal appeal, and leaves SAMRC with no mechanism to process internal appeals against the decision of the deputy information officer.

8.1.3. In the absence of an internal appeal process, the decision made by the deputy information officer is final, and requester or third party aggrieved by the decision deputy information officer may seek remedy applicable to him/her in terms of law.

#### **9. Update and publication of the manual**

9.1. SAMRC will from time-to-time update this manual (where necessary)

9.2. This manual will be published in three (3) official languages, i.e. English, isiZulu, Sepedi, and copies will be available on the SAMRC website

**10. Availability of the manual**

10.1. This manual will be made available to the Human Rights Commission in accordance with paragraph 4(1) of the regulation promulgated in terms of the PAIA.

10.2. The hard copy is available at the SAMRC offices indicated in section 2 of this manual

## 10.3. APPENDIX A

## FORM A

## REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

**[Regulation 6]****FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_ (state rank, name and surname of information officer/deputy information officer) on \_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

\_\_\_\_\_  
SIGNATURE OF INFORMATION  
OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

		Dr Alfred Thutloa
Postal address:	The Deputy Information Officer Knowledge and Information Management Services South African Medical Research Council P.O Box 19070 Tygerberg 7505 Republic of South Africa	The Deputy Information Officer Corporate & Marketing Communications South African Medical Research Council P.O Box 19070 Tygerberg 7505 Republic of South Africa
Street address: (For delivery by hand.)	The Deputy Information Officer Knowledge and Information Management Services South African Medical Research Council Francie van Zijl Drive Parowvallei, Cape Town 7505 Republic of South Africa	The Deputy Information Officer Corporate & Marketing Communications South African Medical Research Council Francie van Zijl Drive Parowvallei, Cape Town 7505 Republic of South Africa
Fax	+27 21 938 0200	
Email	<a href="mailto:alfred.thutloa@mrc.ac.za">alfred.thutloa@mrc.ac.za</a>	
Office hours:	08:30–16:30	
Banking details Payment can be made by: <input type="checkbox"/> Direct Transfer (EFT) <input type="checkbox"/> Bank Deposit	Account name : South African Medical Research Council Account number : 3-9000-0383 Bank name : ABSA Branch name : ABS PBLCS W/C Branch code : 632005 Branch Address : Retail and Business Banking, Western Cape, Bridge Park West, Bridge Way, Century City 7441 Swift Code : ABSA ZA JJ	

**B. Particulars of person requesting access to the record**

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

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.**

1. Description of record or relevant part of the record: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Directorate, Unit or Division where record is held (if known): \_\_\_\_\_

\_\_\_\_\_

#### 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 a 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 record is required: _____ _____ _____
-------------------------------------	---

Mark the appropriate box with an **X**.

**NOTES:**

(a) Compliance with your request for access in the specified form may 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 partly by the form in which access is requested.

**1. If the record is in written or printed form:**

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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**2. If record consists of visual images -**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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**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)
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**4. If record is held on computer or in 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)
--------------------------	-------------------------	--------------------------	--	--------------------------	---

\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

**Postage is payable.**

*Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

In which language would you prefer the record? \_\_\_\_\_

**G. 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 the record? \_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER /PERSON ON WHOSE BEHALF  
REQUEST IS MADE

## APPENDIX B

1. The fee for reproduction, referred to in section 15(3) of PAIA, is as follows:

	<b>Description</b>	<b>Rand (R)</b>
(i)	For every photocopy of an A4-size page or part thereof	0.60
(ii)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	0.40
(iii)	For a copy in a computer-readable form on stiffer disc	5.00
(iv)	For a copy in a computer-readable form on compact disc	40.00
(v)	For a transcription of visual images, for an A4-size page or part thereof	22.00
(vi)	For a copy of visual images	60.00
(vii)	For transcription of an audio record, for an A4-size page or part thereof	12.00
(viii)	For a copy of an audio record	17.00

2. The access payable by requester referred to in section 22(7) of PAIA, is as follows:

	<b>Description</b>	<b>Rand (R)</b>
(i)	For every photocopy of an A4-size page or part thereof	0.60
(ii)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	0.40
(iii)	For a copy in a computer-readable form on stiffer disc	5.00
(iv)	For a copy in a computer-readable form on compact disc	40.00
(v)	For a transcription of visual images, for an A4-size page or part thereof	22.00
(vi)	For a copy of visual images	60.00
(vii)	For transcription of an audio record, for an A4-size page or part thereof	12.00
(viii)	For a copy of an audio record	17.00
(ix)	To search for the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search	15.00

3. The following category of persons are exempted from paying any fees as contemplated in section 22(8) of PAIA, are as follows:

	<b>Category</b>	<b>Fee(s) exempted</b>
(i)	Personal requester (person requesting records about him/herself).	Request and Access
(ii)	Single person with annual income, after deductions, not exceeding R14,712.00 per annum	Access
(iii)	Married persons/life partners with annual income, after deductions, not exceeding R27,192.00 per annum	Access
(iv)	Where costs of collecting any fee exceeds the amount charged.	Request and Access
(v)	Record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act	Request and Access