

Section 51 Manual

In terms of

The Promotion of Access to Information Act, (Act 2 of 2000)

Incorporating additional requirements of

The Protection of Personal Information Act, (No 4 of 2013)

For

NATIONAL BIOPRODUCTS INSTITUTE NPC

## **INTRODUCTION**

**NATIONAL BIOPRODUCTS INSTITUTE NPC ("NBI")** is a pharmaceutical manufacturer of plasma-derived medicinal products, monoclonal antibodies and rapid diagnostic test kits. NBI is a non-profit company, incorporated under the Companies Act 71 of 2008 and is a registered non-profit organisation.

### **SECTION 51 MANUAL FOR THE NATIONAL BIOPRODUCTS INSTITUTE NPC INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT**

Postal Address of the National Bioproducts Institute NPC:  
Private Bag X9043, Pinetown, 3610

Physical Address of the National Bioproducts Institute NPC:  
10 Eden Road, Pinetown, 3610

Telephone Number: 031 714 6700

Fax Number:

Email address: [bronwyn.blades@nbisa.org.za](mailto:bronwyn.blades@nbisa.org.za)

## **THE ACT**

The Act grants a requester access to records of a private body, if the records is required for the exercise or protection of any right. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariffs are dealt with in paragraph 6 and 7 of the Act.

Requesters re 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 purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700 Houghton, 2001

Telephone number: +27 11 877 3600

Fax Number: +27 11 403 0625

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

### **DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

This guide has been compiled in terms of Section 10 of PAIA by the National Bioproducts Institute NPC. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

This Guide is available for inspection, inter alia, at the offices of the National Bioproducts Institute NPC at the physical address above, on the website of the National Bioproducts Institute NPC on [www.nbi-kzn.org.za](http://www.nbi-kzn.org.za) or at the SAHRC.

**THE LATEST NOTICE IN TERMS OF SECTION 52(2) IF ANY**

At this stage, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

## **ACTS AND OTHER LEGISLATION HELD BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

The NBI keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act.

- Pharmacy Act 54 of 1974
- Medicines and Related Substances Control Act 101 of 1965
- Human Tissue Act 65 of 1983
- Genetically Modified Organisms Act 15 of 1997
- Customs and Excise Act 91 of 1964
- Companies Act 71 of 2008
- Non Profit Organisations Act 17 of 2000
- Broad Based Economic Empowerment Act 53 of 2003
- Promotion of Access to Information Act 2 of 2000
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Credit Agreements Act 75 of 1980
- Finance Act 35 of 2000
- Financial Services Board Act 97 of 1990
- Insurance Act 27 of 1943
- Insurance Amendment Act 54 of 1996
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Occupational Health and Safety Act 85 of 1993
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Skills Development Act 97 of 1997
- Skills Development Levy Act 9 of 1999
- Employment Equity Act 55 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Unemployment Insurance Contributions Act 4 of 2002
- Pensions Funds Act 24 of 1956
- Firearms Control Act 60 of 2000
- International Air Transportation Association Dangerous Goods Regulations
- Environmental Conservation Act 73 of 1989
- National Environmental Management Act 107 of 1998
- Hazardous Substances Act 15 of 1973
- Electronic Communications and Transactions Act 2 of 2000
- Regulation of Interception of Communications and Provisions of Communication Related Information Act 70 of 2002



## **SUBJECTS AND CATEGORIES OF RECORDS HELD BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

### **Section 51(1)(e)**

The company holds records in the categories listed below. Please note that the requester is not automatically allowed access to these records and access may be refused in accordance with Chapter 4 of the Act.

#### ***CORPORATE GOVERNANCE AND SECRETARIAL***

- Memorandum of Incorporation and other company registration documents
- Board Minutes and Resolutions
- Records relating to the appointment of the directors, auditors and company secretary
- Codes of Conduct and Ethics
- Legal Compliance records
- Policies
- Statutory records and registers including but not limited to certificate of incorporation
- Contracts and Agreements

#### ***FINANCE AND ADMINISTRATION***

- Annual Financial Statements
- Accounting records
- Tax records and returns
- Banking and related records
- Invoices and Statements
- Management reports
- Statistics SA Returns
- Stock records and Asset registers

#### ***HUMAN RESOURCES***

- Corporate structure diagrams
- Accounting and payroll records
- BEE Statistics
- Personnel Information
- Employment Equity reports
- Workplace Skills Plans and Annual Training Reports
- Letters of employment
- Remuneration records and policies
- General Terms and Conditions of employment
- Leave records
- PAYE records and returns
- Policies and procedures
- UIF records and returns
- Retirement Benefit and Medical Aid records
- Skills Development Records (SETA records)

#### ***INFORMATION MANAGEMENT AND TECHNOLOGY***

- Contracts and agreements
- Licences
- Software programs and applications

- Computer generated databases and backups
- SAP system and related documentation
- Information policies, standards, procedures and guidelines
- Email information and archives
- Informed system and documentation
- Lotus system and related documentation

#### ***OPERATIONAL***

- Customer Information and records
- Material Management documentation and records
- Sales and Distribution documentation and records

#### ***LEARNING AND EDUCATION***

- Training material
- Training records and statistics
- Training agreements

#### ***LIBRARY, INFORMATION CENTRE AND RESEARCH***

- Internal publications
- External publications
- Reference works
- Periodicals/Journals
- Research files and articles
- Product information

#### ***MARKETING AND COMMUNICATION***

- Product information
- Marketing brochures
- Promotional material
- General Company information

#### **SUBJECTS AND CATEGORIES OF PERSONAL RECORDS HELD BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

- FICA documents
- Identity numbers
- Dates of birth
- Telephone numbers
- Email addresses
- Banking details
- Medical aid and Dependent information
- BEE certificates
- Disciplinary information
- Retirement Funding information
- Employee assistance programme information

## **CUSTOMER INFORMATION SHARED BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

None

## **EMPLOYEE INFORMATION SHARED AND RECEIVED BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

Medical Aid information

Retirement Fund information

Income tax information

## **IT PRACTICES BY NATIONAL BIOPRODUCTS INSTITUTE NPC**

- Physical security
- Network security controls
- Password controls
- Virus and Malware protection
- Software updates
- Disaster recovery and back up policies
- Access control

## **COUNTRIES OF OPERATION**

South Africa

## **FORM OF REQUEST (Section 51(1)(e) )**

To facilitate the processing of your request, kindly:

- Use the prescribed form C, available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za)
- Address your request to the head of the company, at his or her address, fax number or email.
- Provide sufficient details to enable the company to identify:
  - The records requested;
  - The requester (and if an agent is lodging the request, proof of capacity);
  - The form of access required;
  - The postal address or fax number of the requester in the Republic, and in what manner the requester wishes to be informed of the decision, and the particulars thereof;
  - The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right

## **PRESCRIBED FEES**

The following applies to requests:

- A requester is required to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fees which would be payable if the request were granted);
- A requester may lodge an application with the court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za) but is reproduced below for ease of reference.



SCHEDULE OF FEES		
Description	Fee	
The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.	R0.60	
Reproduction Fess: Regulation 7(1):		
For every photocopy of an A4-size page or part thereof	R0.60	
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.40	
For a copy in a computer- readable form on:		
(i) Stiff disc	R5.00	
(ii) Compact disc	R40.00	
For a transcription of visual images:		
(i)for A4-size page or part thereof	R22.00	
(ii) copy of visual images	R60.00	
(iii)transcription of an audio record, A4 size page or part thereof	R12.00	
(iv)copy of an audio record	R17.00	
Request fee payable by a requester, other than a personal requester	R35.00	
Search Fees- to search and prepare a record for disclosure. The fee is charged per hour (or part of the hour); however the first hour is free.	R15.00-	
For purposes of section 22(2) of the Act, the following applies:		
(a) Six hours as the hours to be exceeded before a deposit is payable; and		
(b) one third of the access fee is payable as a deposit by the requester.		
The actual postage is payable when a copy of a record must be posted to a requester.		



**ANNEXURE A: FORM C**

Request for Access to Record of a Private Body  
(Section 53(1) of the PAIA, Act 2 of 2000)

**ANNEXURE B: SCHEDULE OF FEES – SAHRC**

**ANNEXURE C: FORM B**

Notice of Internal Appeal  
(Section 75 of the PAIA, Act 2 of 2000)



REPUBLIC OF SOUTH AFRICA

## FORM C

## REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 10]

### A. Particulars of private body

The Head:

### 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: .....

[illegible]

Postal address: .....

Telephone number: (.....) ..... Fax 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: .....

[illegible]

**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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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:

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# FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

## 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:  Mark the appropriate box with an <b>X</b> .  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.	Form in which record is required:
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<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		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? Postage is 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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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

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**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 the record?

.....

Signed at ..... this day..... of .....year .....

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

**Physical Address**  
33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2198

**Postal Address**  
Private Bag X 2700  
Houghton  
2041



**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000**  
**RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE**  
**REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

**Fees for Requesting Records**

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

**Fees for Accessing Records**

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

**Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**Private Bodies:**

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,



Advocate L M Mushwana  
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity





REPUBLIC OF SOUTH AFRICA

## FORM B

## NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER: .....

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) The particulars of the person who lodge the internal appeal must be given below.  
 (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.  
 (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: .....

Identity number: 

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Postal address: .....

Telephone number: (.....) ..... Fax number: (.....) .....

E-mail address: .....

Capacity in which an internal appeal on behalf of another person is lodged:

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: .....

Identity number: 

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**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

**E. Grounds for appeal**

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

State the grounds on which the internal appeal is based:

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State any other information that may be relevant in considering the appeal:

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**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: .....

Particulars of manner: .....

Signed at ..... this day ..... of ..... year.....

.....  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on ..... (date) by .....  
..... (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on ..... (date) to the relevant authority.

OUTCOME OF APPEAL: .....

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION  
SUBSTITUTED

NEW DECISION: .....

DATE RELEVANT AUTHORITY .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT  
AUTHORITY ON (date): .....