PROMOTION OF ACCESS TO INFORMATION ACT, 2000 MANUAL

Registration No. 2000/026390/08

Prepared in accordance with section 14 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") (as amended) and in compliance with the requirements of the Protection of Personal Information Act, No.4 2013 ("POPIA").

Contents

1 AN INTRODUCTION TO PAIA AND POPIA

1.1 The Promotion of Access to Information Act No. 2 of 2000 ("PAIA")

1.1.1 PAIA came into operation on 9 March 2001, which among other things:

1.1.1.1 seeks to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection ofany right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights;

1.1.1.2 sets out the requisite procedural issues attached to information requests, including the obligation to compile a PAIA Manual; and

1.1.1.3 obliges both public and private bodies to compile a PAIA manual, which PAIA manual sets out how a person, who is desirous of requesting certain information which he/she/it believes he/she/it has a right to, may go about requesting such information.

1.1.2 Where a person is desirous of obtaining information from a private body, in terms of PAIA, then such person must make a request for this by following the laid out procedure and using the prescribed forms, described under the private body's PAIA manual.

1.1.3 On receipt of the request, the body receiving the request must decide if it is able to provide the requested information to the requester in accordance with the provisions of PAIA.

1.2 The Protection of Personal Information Act No. 4 of 2013 ("POPIA")

1.2.1 POPIA, which largely commenced on 1 July 2020, gives effect to a person's rights to privacy, including the rights to data privacy, and which Act, in accordance with this objective, describes and prescribes a series of conditions which have to be met when personal information is processed and used by another person, which conditions establish the minimum requirements for the processing of personal information.

1.2.2 POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

1.2.3 POPIA has established the office of the Information Regulator who will oversee and ensure that POPIA and PAIA are complied with by all persons, including individuals, and public and private entities in the Republic of South Africa.

2 PAIA MANUAL

2.1 This Manual is compiled in accordance with section 51 of PAIA, as amended by POPIA.

2.2 This Manual applies to all information held by SOUTH AFRICA NATIONAL BLOOD SERVICE NPC, Registration Number: 2000/026390/08.

2.3 This Manual sets out:

2.3.1 how any person may go about requesting information, including personal information, which they believe SANBS holds and which they have a right to;

2.3.2 which forms have to be completed by such person requesting the information;

2.3.3 any fees and/or deposits that may have to be paid before the requested information is provided, should agree to provide the requested information;

2.3.4 how to lodge a withdrawal, objection or complaint against the processing by SANBS of personal information in terms of POPIA; and

2.3.5 how to make or file a request for SANBS to delete or destroy personal information in terms of POPIA.

3 WHO IS SANBS - ABOUT SANBS AND ITS BUSINESS

3.1 SANBS is a not-for-profit organisation which serves the public through services procured from the public. SANBS operates within a sound corporate governance framework in order to give all its stakeholders the assurance that the organisation is operated, managed and governed in a manner which is appropriate to a non-profit organisation.

3.2 SANBS provides an essential service within South Africa and is rated amongst the best in the world in the provision of blood and blood products, as well as in relation to the research and training provided. SANBS operates across all of South Africa, with the exclusion of the Western Cape and employs over 2500 staff members.

4 CONTACT DETAILS

4.1 SANBS contact details are as follows:

Full Name	South African National Blood Service
Registration Number	2000/026390/08
Registered Address	1 Constantia Boulevard, Constantia Kloof Extension 22, Weltevreden Park, Roodepoort, 1709
Postal Address	Private Bag X14, Weltevredenpark, 1715
Telephone Number	011 761 9000
Chief Executive Officer	Ravi Reddy
Website	www.sanbs.org.za

5 DETAILS OF SANBS INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

5.1 The Information Officer appointed in terms of PAIA also refers to the Information Officer referred to in POPIA. The Information Officer oversees the functions and responsibilities as required in terms of PAIA as well as the duties and responsibilities in terms of section 55 of

POPIA after registering with the Information Regulator.

5.2 The details of SANBS's Information Officer and Deputy Information Officer/s are as follows:

Information Officer: CEO: Ravi Reddy

Telephone Number: 011 761 9292

Email Address of Information Officer: Ravi.Reddy@sanbs.org.za

Deputy Information Officer: Avril Manduna

Telephone Number: 011 761 9096

Email Address of Deputy Information Officer: Avril.Manduna@sanbs.org.za

6 PAIA GUIDE

6.1 In order to assist those who are not familiar with PAIA or POPIA, a guide that contains information to assist the Requester in understanding how to exercise his/her rights under PAIA ("Guide") is available in all the South African official languages. The Guide is currently available on the following site:

https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-GUIDE

6.2 In case ofany queries, or need a copy of the Guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017
Complaints email: complaints.IR@justice.gov.za
General enquiries email: inforeg@justice.gov.za

7 INFORMATION THAT IS AUTOMATICALLY AVAILABLE WITHOUT A PAIA REQUEST

7.1 All information that is housed in the public area of our websites, is automatically available which can be automatically accessed by anyone, subject to our website terms of use, without having to go through the formal PAIA request process.

7.2 The aforesaid automatically available information is available on the SANBS website: www.sanbs.org.za.

8 RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION

8.1 SANBS is subject to many laws and regulations, some of which require SANBS to keep certain records.

8.2 These laws are detailed under Annexure "Laws".
8.3 This list is not exhaustive.

9 CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 52(2) OF PAIA

At the time of this publication, the Minister of Justice and Constitutional Development had not yet published any regulations under this section of PAIA. This Manual will be updated once the said regulations are published.

10 A DESCRIPTION OF SUBJECTS SANBS HOLDS RECORDS ON, AND CATEGORIES OF RECORDS WHICH INFORMATION IS NOT AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(1)(e) OF PAIA

10.1 The following information and records identified by the headings and/or departments listed below, are not automatically available and a person must request access to these records by completing a request for information in the prescribed manner as described under this Manual using Annexure A hereto.

Category	Description
Blood procurement records	• **Donor consent questionnaire**: contains relevant donor information and confidential questionnaire; • **Donor and donation record**: contain 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 offline.
Quality Management	• **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	• **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	• **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 contains all relevant laboratory data; • 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.
Donation Testing	• **Test** run **printouts:** the source of all the test results performed.
Blood Banks	• **Blood requisition form**: the form that contains the request for blood from the treating doctor, the products required and the number. This form also includes ICD10 codes and medical aid details; • **Delivery note:** The delivery note is signed for by the courier company or the porter providing proof the blood was collected.
Special investigations laboratory	• 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, 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 SANBS. This includes all of the relevant procedures followed. A record is kept of all tests performed related to quality throughout 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	• The Memorandum of Incorporation of SANBS; and • SANBS registration documents.
Company documents	• 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	• 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	• Claims against SANBS; • Claims by SANBS; and • Any other legal records.
Human resources / employment records	• List of employees; • Employee benefits; • 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	• Title deeds; • Lease agreements; and • Contracts in respect of properties.
Customer and Supplier records	• 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	• All other medical records not previously specified.

Correspondences	• Correspondences with third parties; and • All internal correspondences and memos.
Product Records	• Reports of testing of blood; and • General product test results.
Marketing records	• Marketing and advertising records; and • Campaign records.
Information Technology	• Business Data information; • IT Technology capabilities; and • Systems and User Manuals.

11 INFORMATION RELATED TO POPIA

11.1 In terms of POPIA, SANBS is required to provide the Requester with a description of the personal information that SANBS processes and why it is processed, and who SANBS may share this information with, which detail is described below:

11.1.1 Personal information SANBS processes - the type of personal information that SANBS processes will depend on the purpose for which the information is collected. SANBS will disclose to the Requester why the personal information is being collected and will process the personal information for that purpose only, which is done under SANBS specific and detailed processing notices housed on its website.

11.1.2 Below is a listing of the personal information that is processed by SANBS, including the category of data subject that it belongs to. The information provided under this section refers to broad categories of information. This list is not exhaustive:

- Customers - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.
- Customers – Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.
- Customers – Foreign persons / entities: names; contact details; physical and postal, financial information addresses; date of birth; passport number tax related information; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
- Contracted Service Providers – Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
- Intermediary / Advisor – Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
- Employees / Directors / Potential Personnel / Shareholders / Volunteers /

Employees' family members /Temporary Staff – Gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children's name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal records; well-being; trade union membership; external commercial interests; medical information.

- Website end-users /Application end-users – Names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.

11.1.3 Sharing of personal information - SANBS may supply personal information to the following potential recipients:

- Management;
- Employees;
- Temporary Staff;
- Sub-contracted Operators;
- Stakeholders and shareholders; and
- Other recipients within its organisation.

11.1.4 Cross border exchanges - SANBS may disclose personal information it processes to any of its overseas associate entities or third-party service providers, with whom SANBS engages in business or whose services or products SANBS elects to use, including cloud services hosted in international jurisdictions. Personal information may also be disclosed where SANBS has a legal duty or a legal right to do so. SANBS will in this regard, endeavour to enter into written agreements to ensure that other parties comply with POPIA and SANBS confidentiality and privacy requirements.

11.1.5 General description of information security measures – SANBS employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.

11.2 Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions of PAIA. This process is outlined in paragraph 12 below.

11.3 Owners of Personal Information have the right to request the correction, deletion or destruction of their personal information, in the prescribed form, which form is available on the SANBS website. Alternatively, the prescribed forms are attached to this Manual for your convenience.

11.4 Owners of Personal Information may object to the processing of their personal information in the prescribed form, which form is available on our website. Alternatively, the prescribed forms are attached to this Manual for your convenience.

12 REQUEST PROCEDURE

12.1 Any request for access to a record or to personal information in terms of PAIA or POPIA must be made on the form attached hereto marked Annexure "A" - called Form 2 - Request for access to record of private body (Section 53(1) of PAIA) [Regulation 10], or one which substantially corresponds with the form.

12.2 A request for access to information which is not included under this Form 2 or which does not comply with POPIA or PAIA will be rejected and returned to the requestor.

12.3 POPIA provides that an owner of personal information ("the data subject") may, upon proof of identity, ask SANBS to confirm or advise, free of charge, that it holds personal information which pertains or belongs to the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information, which latter request may be subject to a fee described below. Any request for access to this personal information must be made on the form attached hereto marked Annexure "A" - called Form 2 - Request for access to record of private body (Section 53(1) of PAIA) [Regulation 10], or one which substantially corresponds with the form. A request which is not housed under this Form 2 or which does not comply with POPIA will be rejected and returned to the requestor.

12.4 Section 54 of PAIA entitles SANBS to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in the Regulations promulgated under PAIA and POPIA. Where a decision to grant a request has been taken by SANBS, the record will not be disclosed until the necessary deposits and/or fees have been paid in full, where applicable. The fee payable will depend on the type of information requested. These fees are described under Annexure "B" hereto – Fees in respect of private bodies.

13 ACCESS TO HEALTH RECORDS OR OTHER RECORDS IN TERMS OF SECTION 61 OF PAIA

13.1 For the purposes of this section, the term "relevant person" shall refer to the requester and/orthe authorized person making a request on the persons behalf.

13.2 Requesters must stipulate in their request for information what health information is required, understanding that information held by a medical practitioner must be obtained directly from him or her. No hospital can release information held by another party, or information that is protected by a medical practitioner /patient relationship.

13.3 The Information Officer, in terms of section 50 of PAIA, may only grant a request for access to information and/or a record provided by a medical practitioner in his or her capacity as such, about the physical or mental health of the requester him/herself, or to authorised person making such a request on behalf of the person concerned.

13.4 The Information Officer may in terms of section 61(1) of PAIA, refuse access to information and/or records, if he or she is of the opinion that such disclosure would cause serious harm to

the requester's physical and/or mental health.

13.5 Before the Information Officer allows, grants or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to section 61(2) of PAIA had been nominated by the relevant person.

13.6 Before the Information Officer allows, grants or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to section 61(2) of PAIA had been nominated by the relevant person.

13.7 If the relevant person is:

13.7.1 under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in section 61(2)(a) of PAIA; and/or

13.7.2 incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.

13.8 If after the Information Officer has given access to the medical practitioner, and the medical practitioner is of the opinion that the disclosure of the information and/or record to the relevant person, would likely cause serious harm to his or her physical and/or mental health, or well being, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester, that adequate provision has been made for such counselling or arrangement as are reasonably practicable before, during or after the disclosure of the information and/or record limit, alleviate or avoid such harm to the relevant person.

13.9 Before access to the information and/or record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the information and/or record.

13.10 The Information Officer may also refuse access to the information and/or records in terms of any other law.

14 PRESCRIBED FEES

14.1 Once a request is made, the Information Officer will send an acknowledgement of receipt notice to the requester requesting payment of the prescribed request fee of R140.00 (one hundred and forty rand).

14.2 This prescribed fee must be paid before the request will be processed.

14.3 Payment of this fee is to be made as directed by the Information Officer.

14.4 The Information Officer will then make a decision in respect of the request and the requester will be notified of the decision on the required form.

14.5 Should the request be refused, the requester may lodge an application at court against the tender or payment of the requested fee as will be advised in the notice (in terms of section 54(3)(b) of PAIA).

14.6 If the request is granted, then a further access fee is payable for the search, reproduction and preparation of the record in a particular format as well as for any time, that has exceeded the prescribed hours, to search and in order prepare the record for disclosure (in terms of section 54(6)) of PAIA).

14.7 The fees schedule can be downloaded from the Department of Justice website at http://www.doj.gov.za.

15 PROOF OF IDENTITY

When requesting records or information under PAIA or POPIA, the Requestor will be required to submit acceptable proof of identity such as a certified copy of identity document or other legal forms of identity.

16 TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS

16.1 Requests will be processed within 30 (thirty) days, from date of receipt thereof, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

16.2 Should an extension be required, the Requestor will be notified, together with reasons explaining why the extension is necessary, which in most cases shall be a period of 30 (thirty) days.

17 GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

17.1 There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put SANBS at a disadvantage in negotiations or prejudice it in commercial competition; and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by SANBS.

17.2 Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its

disclosure.

18 REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

18.1 If the Information Officer decides to grant a requester access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

18.2 Where the Information Officer declines any requester access to the particular record, such decision will be relayed to the requester. There is no internal appeal procedure.

18.3 In the event that the Requestor is not satisfied with the outcome, he/she is entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

19 REQUEST FOR ACCESS TO INFORMATION AFFECTING THIRD PARTIES

19.1 If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

19.2 Where a third party is affected by the request for access and the Information Officer has decided to grant the Requestor access to the records, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, the Requestor must be granted access to the record.

20 AVAILABILITY OF THIS MANUAL

This manual may be obtained by the Requester:

- On the SANBS website (www.sanbs.org.za);
- Through a submission of a written request to the SANBS Deputy Information Officer.

21 REVISION SUMMARY

VERSION NUMBER	REVISION DETAILS
3	Revised complete document Added annexures