



# **Access to Information MANUAL**

**In terms of section 14 of the Promotion of Access to Information Act, 2000  
(Act No 2 of 2000)**

English Version /2021/CEO/nhls

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## **1. Introduction and Application**

1.1 This manual has been compiled by the National Health Laboratory Service (NHLS) in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The purpose of this manual is to assist persons requesting access to records in the possession or under the control of the NHLS.

1.2 The Act came into effect on 9 March 2001 and aims to achieve the following objectives:

- 1.2.1 to give effect to the constitutional right of access to information held by the State as contemplated in section 32 of the Constitution; and
- 1.2.2 to give effect to that right subject to justifiable limitations, including but not limited to, reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- 1.2.3 to promote transparency, accountability and effective governance of all public bodies;
- 1.2.4 to know all the remedies available from the NHLS regarding the request for access to the records, before approaching the Regulator or the Courts;
- 1.2.5 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 1.2.6 if NHLS will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

- 1.2.7 know if NHLS has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 1.2.8 know whether NHLS has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 1.3 Application

- 1.3.1 This manual is applicable to and must be followed by any person requesting access to a record in the possession or under the control of the NHLS.
- 1.3.2 This manual is not applicable to the Department. A request for access to records of the NHLS by the Department shall be governed in accordance with data use and data sharing clauses the Service Delivery and/or Service Level Agreements (SDA or SLA) between the NHLS and the Department.
- 1.3.3 The Act does not apply to a record of the NHLS if the record is requested for purposes of criminal or civil proceedings after the commencement of the proceedings, and where such records may be obtained by means in law, for example by subpoena, as contemplated in Section 7 of the Act.

## 2. Definitions

2.1 In this manual, unless the context otherwise indicates: -

- 2.1.1 **“Access Fee”** means a fee payable by a requester for reproduction of the requested records;
- 2.1.2 **“AARQA”** means Academic Affairs, Research and Quality Assurance;

- 2.1.3 **“CEO”** means Chief Executive Officer;
- 2.1.4 **“Deputy Information Officer”** means a person designated, in writing, by the Information Officer for performance of the powers conferred to the Information Officer in terms of the Act, and DIO shall have a correspondent meaning;
- 2.1.5 **“Information Officer”** means the Chief Executive Officer of the NHLS or the person who is acting as such; IO shall have a corresponding meaning, and reference to Information Officer, shall, where appropriate, include DIO;
- 2.1.6 **“Minister”** means Minister of Justice and Correctional Services
- 2.1.7 **“PAIA”** means Promotion of Access to Information Act No.2 of 2000 (as amended);
- 2.1.8 **“Person”** means a natural or juristic person;
- 2.1.9 **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential

nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

- 2.1.10 **“Personal Requester”** means a Person seeking access to a record in the possession of or under the control of the NHLS, containing personal information about himself or herself or itself;
- 2.1.11 **“PFMA”** means Public Finance Management Act No. 01 of 1999 (as amended);
- 2.1.12 **“POPIA”** means Protection of Personal Information Act No.04 of 2013
- 2.1.13 **“Prescribed”** means prescribed by any provision of the Act, regulations thereto in terms of section 92 of the Act, or any other Act of Parliament, regulation, secular, or ordinance;
- 2.1.14 **“Prescribed Request Form”** means request form “A” attached as a schedule to the Act, and schedule “A” to this manual;
- 2.1.15 **“Province”** means Eastern Cape (EC); Free State (FS); Gauteng (GP); KwaZulu-Natal (KZN); Limpopo (L); Mpumalanga (MP); Northern Cape (NC); North West (NW); Western Cape (WC); and “provincial” and “Regions” shall have corresponding meanings;
- 2.1.16 **“Public Body”** means a South African organ of state or any department of state or administration in the national or provincial

sphere of government or any municipality in the local sphere of government; or any other functionality or institution performing a public function in terms of an Act of Parliament;

- 2.1.17     **“Record”** means any recorded information regardless of form and medium in the possession or under the control of the NHLS, whether or not it was created by the NHLS, including but not limited to any note or writing, whether produced by hand or by printing, typewriting or any other similar process; any copy, plan, picture, sketch or photographic or other representation of any place or article; any disc, tape, card, perforated roll or other device in or on which sound or any signal has been recorded for reproduction;
- 2.1.18     **“Regulator”** means Information Regulator
- 2.1.19     **“Representative”** means a person requesting access to a Record or Personal Information relating to another person on behalf of that person; in the case of an attorney or advocate representative, it must submit a duly signed consent affidavit with the Prescribed Request Form; in case of an adult person acting on behalf of another adult or a minor or mentally incapacitated person, it must submit proof of authority, guardianship or curatorship or kinship (in the first degree of blood relationship), including but not limited to marriage certificate, birth certificate indicating parental status; court or tribunal order, or consent affidavit with certified copy of identity document or passport;
- 2.1.20     **“Request Fee”** means a fee payable by a Requester, other than a Personal Requester, for consideration of his or her request by the NHLS;
- 2.1.21     **“Requester”** means any person (other than a Public Body) making

a request for access to a Record of the NHLS; and shall include a Requester's Representative;

2.1.22 **“Request for Access”** means a request for access to a Record of the NHLS in terms of section 11 of the Act;

2.1.23 **“Reps”** means Representatives and “Rep” shall have a corresponding meaning;

2.1.24 **“RHRC”** means Remuneration and Human Resources Committee, a sub-committee of the Board of NHLS;

2.1.25 **“SALGA”** means South African Local Government Association

2.1.26 **“the Constitution”** means Constitution of the Republic of South Africa, 1996;

2.1.27 **“the Department”** means the National Department of Health, NDOH shall have a corresponding meaning; and all provincial departments of the NDOH, and DOH shall have a corresponding meaning;

2.1.28 **“DMP”** means Diagnostic Media Products, a functionary of the NHLS

2.1.29 **“the NHLS”** means National Health Laboratory Service and all its divisions; and “the Service” shall have a corresponding meaning;

2.1.30 **“the NHLS Act”** means the National Health Laboratory Service Act 37 of 2000;

2.1.31 **“the NICD”** means National Institute for Communicable Diseases,



a division of the NHLS;

2.1.32     **“the NIOH”** means National Institute of Occupational Health, a division of the NHLS;

2.1.33     **“the NCR”** means National Cancer Registry, a division of the NHLS incorporated into NICD;

2.1.34     **“the SAVP”** means South African Vaccine Producers (Pty) Ltd, a subsidiary company of the NHLS;

2.1.35     **“the Regulation”** means Regulations of the Act, published by Government Notice No. R187 of 15 February 2002; and

2.1.36     **“Third Party”** in relation to a request for access to a Record of the NHLS, means any person other than the requester concerned and the NHLS, including but not limited to the government of a foreign state, an international organisation, or an organ of that government or organisation

## 2.2 Status of the NHLS

2.2.1     The NHLS is a:

- i)     diagnostic pathology laboratory service, established by the Minister of Health in terms of Section 3 of the NHLS Act, 37 of 2000;
- ii)    schedule 3A listed public entity for purposes of the Public Finance Management Act 1 of 1999 (“PFMA”);
- iii)   public body for purposes of the Promotion of Access to Information Act 2

of 2000 and must comply with its obligations as a public body under the Act;

- iv) calibration, testing and verification laboratories service provider, accredited by the South African National Accreditation System (“SANAS”), in accordance with the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 19 of 2006;

2.2.2 The objectives of the NHLS under section 4 of the NHLS Act are to:

- a) Provide cost-effective and efficient health laboratory services to all public sector health care providers; any government institutions inside and outside of the Republic of South Africa (RSA) which may request the service; private sector health care providers which may request the services;
- b) Support health research; and

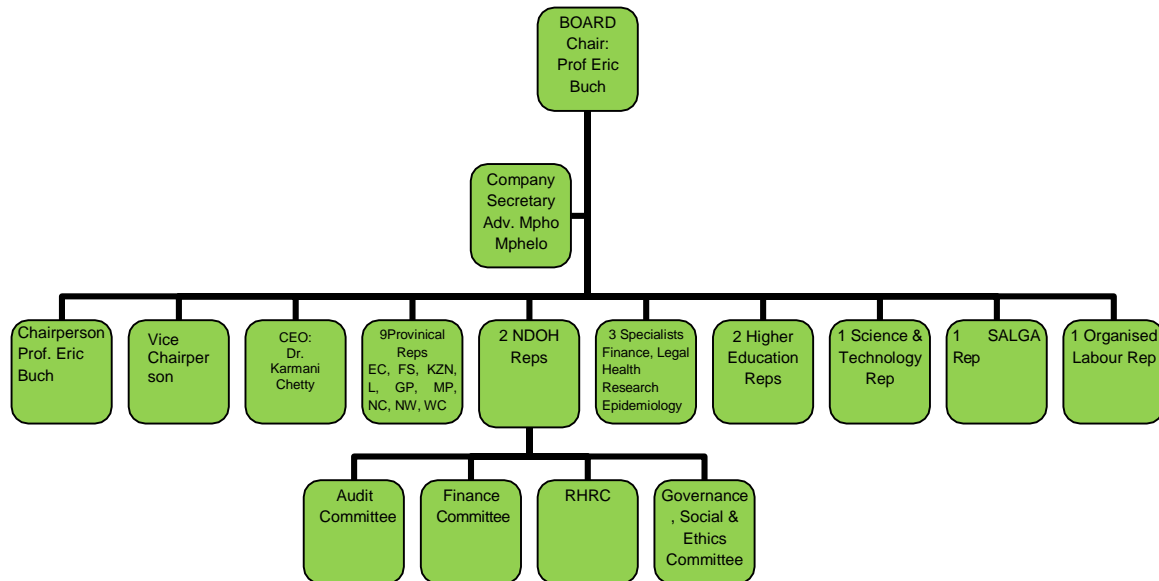
- c) Provide training for health science education

### 3. Status, Structure and Functions of the NHLS

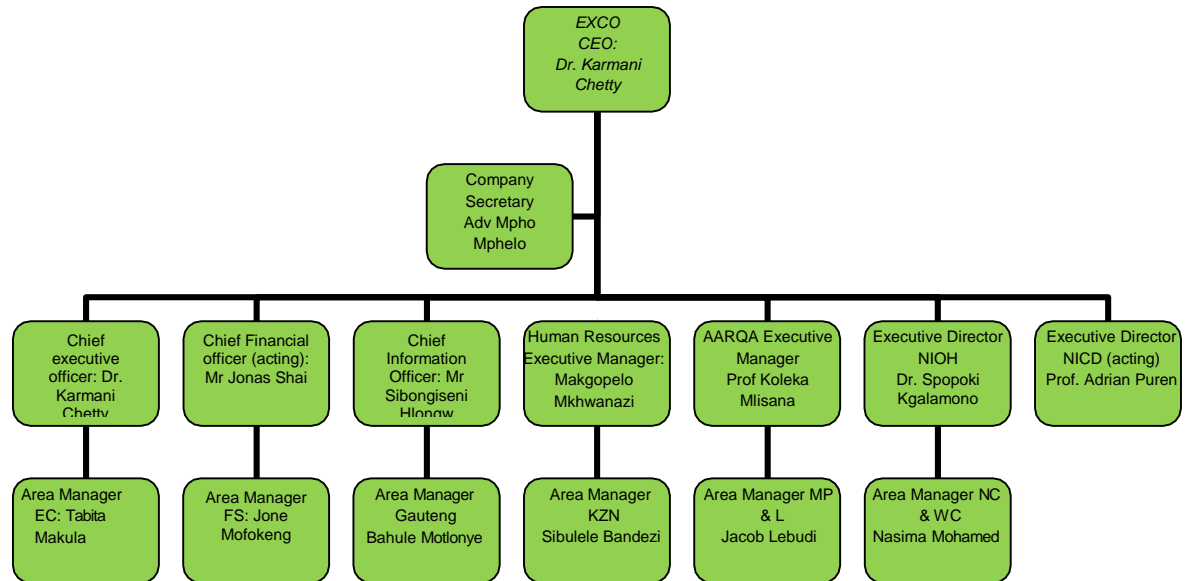
#### 3.1 Structure of the NHLS

- 3.1.1 The NHLS is controlled by a 22-member Board and Managed by a 7-member Executive Management Committee (“EXCO”). The EXCO is supported by 6 Area Managers
- 3.1.2 Members of the Board hold office for a period of 3 years and are eligible for re-appointment on expiry of their term of office. Members of EXCO hold office for a period of 5 years.
- 3.1.3 The structure of the NHLS can be illustrated as follows:

##### 3.2.3.1 *Control Structure:*



### 3.2.3.2 Executive Management Structure:



## 3.3 Functions of the NHLS

3.3.1 The NHLS performs the following mandatory functions under section 5(1) of the NHLS Act:

- a) Investigate the need to establish, operate, acquire, maintain; co-ordinate and amalgamate laboratories to provide efficient and cost-effective laboratory services;
- b) Promote the training of laboratory and associated personnel;
- c) grant study bursaries and loans for studies in the field of laboratory services; and
- d) Promote co-operation between the Republic and other countries with regard to the epidemiological surveillance and management of diseases through the monitoring of laboratory test results.

3.3.2 The NHLS performs the following, among others, optional and/or discretionary functions under section 5(2) of the NHLS Act:

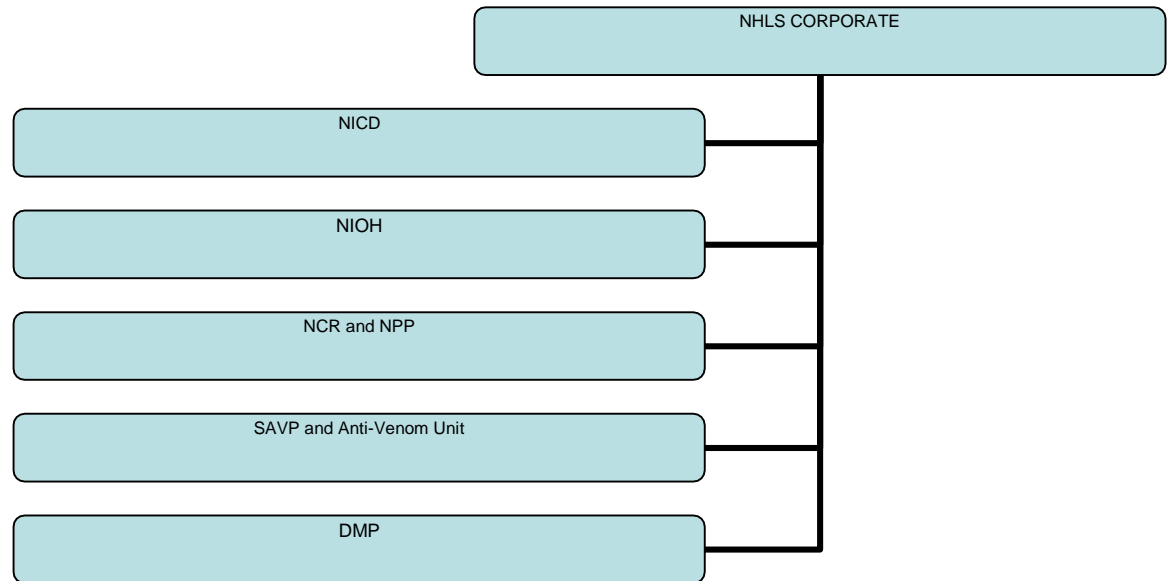
- a) form and have an interest in any company or companies; undertake and execute any trust;
- b) take part in the management, supervision and control of the business or operations of any company or business;
- c) enter into partnerships; make donations to further the interests of the Service; act as principal, agent, contractor or trustee;
- d) charge for the rendering of laboratory services and other services;
- e) establish and manage pension schemes, medical aid schemes and other incentive schemes for its officers and employees, and appoint trustees and other officials for such schemes;
- f) produce and sell by-products;
- g) undertake operational research, on its own or in association or partnership with a tertiary education institution;
- h) participate in joint research operations with departments of State, universities, technikons, colleges, museums, scientific institutions and other persons;
- i) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of the instruction and training of pathologists, technologists, technicians, scientists, researchers, technical

experts and other supporting personnel in universities, technikons and colleges;

- j) enter into contracts within or outside the Republic, with any person. government, or institution. and execute any contract, deed or any other document in the Republic or any foreign country;
- k) co-operate with persons and institutions undertaking basic research in the Republic and in other countries by the exchange of scientific knowledge and the provision of access to the resources and specimens available to the Service;
- l) purchase or acquire any movable or immovable property; manage, insure, lease, sell, mortgage, dispose of, develop, maintain, improve or in any other way deal with any of its property or assets;
- m) apply for, purchase or by any other means acquire, protect, extend, renew, deal with or alienate any patents, patent rights, licenses, trademarks, concessions or other rights;

3.3.3 The NHLS must perform these functions and duties in accordance with the national health policy of the NDOH.

3.3.4 The NHLS is currently performing its functions and duties through the following divisions and functionaries:



#### 3.3.4.1 NHLS CORPORATE

- a) Corporate is the headquarters of the NHLS, responsible for development, implementation, monitoring and improvement of the NHLS mandate and strategic goals; development of a policy framework to coordinate and integrate financial planning and budgeting of the NHLS.
- b) Corporate is the seat of the Executive Management of the NHLS, spearheaded by the NHLS CEO, supported by the NHLS CFO, Executive Directors of NICD and NIOH; and respective Executive Managers of the NHLS.
- c) It is Corporate's purpose to provide leadership, financial and human capital support to NHLS divisions and regional laboratories and offices.
- d) NHLS Corporate is managed by and Executive Committee chaired by the CEO and supported by a membership of Executive Managers; and Area Managers, hosted at their respective Regions.
- e) NHLS Corporate performs its functions through the following Departments:

- i) Office of the CEO:
  - 1) Company Secretariat
  - 2) Monitoring & Evaluation (M&E)
  - 3) Risk & Internal Audit Services
  - 4) Legal Services Unit
  
- ii) Office of the CFO
  - i) Payroll
  - ii) Supply Chain Management (Procurement)
  - iii) Facilities Management
  - iv) Accounts Payable / Creditors
  - v) Debtors
  - vi) Corporate Finance
  - vii) Business Analysis
  - viii) General Services
  - ix) Call Centre
  
- iii) Human Resources
  - 1) Employee Relations
  - 2) Employee Benefits
  - 3) Recruitment
  - 4) Training Academy
  - 5) Organised Labour
  - 6) Organisational Development (OD)
  
- iv) Information Technology (IT)
  
- v) Academic Affairs, Research and Quality Assurance Department (AARQA)



- a) The NHLS provides quality services by benchmarking against international standards, through accreditation of laboratories, and conducting external quality assessment and internal quality control through the evaluation of proficiency testing performance and the analysis of assayed control materials on all patient samples.
  - b) AARQA is entrusted with the responsibility of setting and implementing policy with regard to research, quality assurance and accreditation of laboratories.
  - c) Proficiency testing (also known as external quality assessment) is the evaluation of laboratory testing performance by means of inter-laboratory comparisons where the same items are tested by different laboratories. AARQA is responsible for ensuring that quality assurance methods are in place and in accordance with SANAS standards for QAM (quality assurance measures).
- vi) Communications, Marketing and Public Relations

#### 3.3.4.2 NICD

- a) The NICD is the national organ for public health surveillance of communicable diseases and its main duties are to:
  - i) collect, analyses and interpret communicable diseases data on an ongoing and systematic basis;
  - ii) monitor the emergence of new infectious diseases and re-emergence or re-appearance of previously controlled infectious diseases or the importation of exotic infectious diseases;
  - iii) detect outbreaks or epidemics at an early stage in order to be able to timeously and effectively respond to them, or to anticipate imminent

- outbreaks or epidemics by investigation, research and analysis of data;
  - iv) engage in directed and relevant research to answer questions related to regional public health communicable diseases problems and their surveillance and management;
  - v) establish formal structures for the rapid and continuous dissemination of data and information generated from NICD to all who need to know;
  - vi) build capacity in communicable diseases nationally and regionally;
  - vii) provide a reference function to communicable diseases laboratories in the public and private sectors nationally and regionally
- b) The NICD is managed by a Director supported by a Deputy Director and provide services through the following support centres
- i) Centre for Tuberculosis;
  - ii) Centre for HIV and STI;
  - iii) Centre for Vaccines and Immunology;
  - iv) Centre for Enteric Diseases;
  - v) Centre for Respiratory and Meningitis Diseases;
  - vi) Centre for Emerging and Zoonotic Diseases;
  - vii) Centre for Tropical, Opportunistic and Hospital Infections;
  - viii) Division of Public Health, Surveillance and Response;
  - ix) SA Regional Global Disease Detection Program;

#### 3.3.4.3 NIOH

- a) The NIOH is South Africa's major centre for occupational health development, training, service support and research. NIOH is a national and regional reference centre, providing leadership and support for the development of effective occupational health services by maintaining and developing specialist

reference laboratory, advisory and information services centrally and peripherally.

b) NIOH main duties are to:

- i) develop and support occupational health initiatives to improve and maintain the health of the South African workforce;
- ii) researching and finding solutions to major occupational health problems;
- iii) diagnose compensable occupational cardio-respiratory disease in deceased miners;
- iv) develop capacity of professionals and specialists in areas of scarce skills such as occupational health research and service delivery through training and access to training;
- v) conduct health hazard evaluations focused on priority exposures through application of occupational hygiene expertise to assess risks;
- vi) co-ordinate ongoing sentinel occupational risk and disease surveillance and the development of reliable occupational health indicators;
- vii) conduct research projects contributing to identification of occupational health problems, the development of effective occupational health services and prevention of occupational disease;
- viii) provide cost effective occupational health services to national and provincial government departments as well as support for occupational health and safety inside the NHLS;
- ix) advice regulatory authorities, employers, unions and individual employees;
- x) investigate occupational diseases and establish, and maintain laboratories for occupational environment analysis;
- xi) provide a range of services to support occupational health, including the statutory autopsy service, advisory services, information services, specialised laboratories and health-hazard evaluations;
- xii) provide specialised laboratories for analytical chemistry, toxicology, electron microscopy, immunology, microbiology and occupational hygiene

services toward establishing a wide range of analytical, measurement and national quality assurance capacity;

c) The NIOH is managed by an executive director and offers services through the following diagnostic laboratories and a Biobank:

- i) Pathology Department;
- ii) Immunology and Microbiology Department;
- iii) Analytical Services Department;
- iv) Toxicology Department; and
- v) Occupational Hygiene Department;
- vi) National Cytology Program;
- vii) Occupational Medicine and Epidemiology Department

#### 3.3.4.4 NCR; NPP (National Priority Programme) and DMP

a) The NCR is South Africa's main cancer statistics source; it collates and analyses cancer cases diagnosed in pathology laboratories (both public and private) nationwide and reports annual cancer incidence rates stratified by gender, age and population groups;

b) The NCR is a pathology based cancer registry responsible for the reporting of malignancies. NCR published data has been used extensively to inform development of the draft national policy guidelines for cancer prevention and control (DOH,2002), to inform cancer research and for teaching purposes;

c) In 2014/2015 the NCR was incorporated into the NICD;

d) The NPP is responsible for addressing HIV and tuberculosis (TB) with the purpose of making laboratory services accessible, affordable and relevant;

e) The NPP is managed by an HOD and Operations Manager; aims of the NPP are to:

- i) provide affordable, sustainable health laboratory services to support HIV clinical activities for both adults and children in South Africa;
- ii) ensure appropriate rationalisation of laboratory services with respect to function and equipment;
- iii) train a cadre of health professionals that can support this service adequately into the future;
- iv) promote and undertake relevant research to ensure services remain appropriate and relevant;
- v) raise the profile of NHLS activities with respect to priority diseases such as HIV;
- vi) ensure HIV, TB and HPV laboratory services are aligned into the future; and
- vii) foster close relations with healthcare professionals involved in HIV care

#### 3.3.4.5 DMP

a) DMP manufactures and supplies a wide range of high quality diagnostic reagents, ready to use kits and microbiological culture media; and comprises of:

- i) a production department boasting state-of-the-art equipment;
- ii) a quality control department which consists of highly qualified medical technologists; and
- iii) a sales department

b) DMP's main functions include:

- i) Production of routine microbiological media;
- ii) Production of specialised media for specialised laboratories such as food microbiological media and environmental testing media such as legionella media;

- iii) Making of a wide range of stains used for microbiology as well as histology and haematology;
  - iv) Providing of made up kits and reagents for certain haematology and chemistry sets
- c) DMP is incorporated into NHLS Corporate at its Head Office.

#### 3.3.4.6 SAVP and Anti-Venom Unit

- a) SAVP is a wholly owned subsidiary of the NHLS.
- b) SAVP is the only South African manufacturers of anti-venom for the treatment of Snake, Scorpion and Spider envenomation
- c) SAVP is administered from NHLS Head Office.

### 3.4 Summary

- 3.4.1 The NHLS may be contacted on the below information in respect of more information regarding the mandate, structure and function of the NHLS:

NHLS Corporate:

Head Office: 1 Modderfontein Road, Sandringham, Johannesburg;

Tel: 011 386 6000/6072/6177/6266

Website: [www.nhls.ac.za](http://www.nhls.ac.za) / [www.nioh.ac.za](http://www.nioh.ac.za) / [www.nicd.ac.za/](http://www.nicd.ac.za/)  
[www.savp.co.za](http://www.savp.co.za)

## 4. Contact Details of Information Officer and Deputy Information Officer of the NHLS

### 4.1 Information Officer and DIO

Information officer (NHLS CEO)	Postal & Physical	Telephone	Fax / email
	NHLS Building, 1 Modderfontein Road, Sandringham  Private Bag x8, Sandringham, 2131	011 386 6072  011 386 6266	011 386 6072 / <a href="mailto:kammy.chetty@nhls.ac.za">kammy.chetty@nhls.ac.za</a>  <a href="mailto:lerato.sikoe@nhls.ac.za">lerato.sikoe@nhls.ac.za</a>

Deputy Information Officer (CIO)	Postal & Physical	Telephone	Fax / email
	NHLS Building, 1 Modderfontein Road, Sandringham  Private Bag x8, Sandringham, 2131	011 386 6118  0834080083	011 386 6118 / <a href="mailto:seni.hlongwane@nhls.ac.za">seni.hlongwane@nhls.ac.za</a>  <a href="mailto:stacey.ball@nhls.ac.za">stacey.ball@nhls.ac.za</a>

## 4.2 General Information

Office of the CEO

1 Modderfontein road, Sandringham, Johannesburg,

Website: [www.nhls.ac.za](http://www.nhls.ac.za)

## 5. Guide of SAHRC on How to Use the Act

5.1 The Human Rights Commission(SAHRC) has, in terms of section 10 of the Promotion of Access to Information Act, updated and made available the revised guide on how to use the PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2 The guide is available in each of the official languages.

5.3 The aforesaid Guide contains the description of:-

5.3.1 the objects of PAIA and POPIA;

5.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

- i) the Information Officer of every public body, and
- ii) every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

5.3.3 the manner and form of a request for-

- i) access to a record of a public body contemplated in section 11<sup>3</sup>; and
- ii) access to a record of a private body contemplated in section 50<sup>4</sup>;

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*  
*a) that record is required for the exercise or protection of any rights;*  
*b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*  
*c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*



5.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

5.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

- i) an internal appeal;
- ii) a complaint to the Regulator; and
- iii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

5.3.7 the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

5.3.8 the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

5.3.9 the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

5.3.10 the regulations made in terms of section 92<sup>11</sup>.

5.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

- (i) upon request to the Information Officer;
- (ii) from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5.5 The guide is available for inspection *inter alia* at the offices of the Human Rights Commission:

Forum3, Braampark

33 Hoofd Street

Braamfontein, Johannesburg

and on its website at [www.sahrc.org.za](http://www.sahrc.org.za)

5.6 For enquiries regarding the Guide, the SAHRC may be contacted at:

SAHRC, PAIA Unit:

Private Bag 2700, Houghton, 2041

Tel.: 011 877 3600/3825

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

Email: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

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<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

## **6. Access to Records Held by the NHLS**

### **6.1 Records that are available automatically**

6.1.1 The Records listed below, in accordance with Section 15 of the Act, are available to any interested person free of charge and the Requester does not have to complete a PAIA application form to inspect the Records. The Records may be inspected at the office of the IO or DIO or on the NHLS website [www.NHLS.ac.za](http://www.NHLS.ac.za) .

6.1.2 The Records in terms of this voluntary notice are:

#### **Institutional Records**

- a) NHLS establishment documents
- b) Acts and, Regulations relevant to the NHLS;
- c) Service Delivery Agreement(s) Between NHLS and the Department;
- d) NHLS Strategy Document;
- e) Press Releases;
- f) Statistics, as and when kept;
- g) Research in the public domain

#### **Financial Records**

- a) Annual Reports, that are public knowledge already;
- b) Audit Reports, that are public knowledge already;
- c) Asset Register;
- d) Annual budget;
- e) SCM Policy

#### **Human Resource Records**

- a) Recruitment & Remuneration Policy;
- b) Standard Terms and Conditions of Employment;
- c) Disciplinary and Grievance Policy;

## 6.2 The Request Procedure/ How to Request Access to a Record

6.2.1 In terms of the Act a Requester must be granted access to a Record of a Public Body if the Requester complies with the following:

- a) meet all the procedural requirements in the Act, relating to the request for access to that record; and
- b) access to that record is not refused on any ground of refusal allowed for in Chapter 4 Part 3 of the Act;
- c) access is not denied for any other lawful reason

6.2.2 A Requester must use the “Form 2”, printed in the Government Gazette, Notice R757 GG 45057 of 27 August 2021. For ease of reference the form is reproduced as Annexure “A” to this manual.

- 6.2.3 A Requester must submit the “Form 2” together with an Access Fee and/or Request Fee or an indication or motivation that the Access or Request fee falls under the exemption, to the IO or DIO, at the following address:

Office of the CEO, NHLS Building, 1 Modderfontein Road, Sandringham, Johannesburg;

Email: [kamy.chetty@nhls.ac.za](mailto:kamy.chetty@nhls.ac.za) / [mpho.mphelo@nhls.ac.za](mailto:mpho.mphelo@nhls.ac.za)

- 6.2.4 The Request Form must:

- a) provide sufficient particulars to enable the NHLS to identify both the requester; and the record or records requested;
- b) indicate the form of access requested;
- c) specify the postal address, fax number or email address of the requester in the Republic of South Africa;
- d) identify the right the requester is seeking to exercise or protect; and provide an explanation of why the requested record is required for the exercise or protection of that right;
- e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed, provided doing so will not interfere unreasonably with the running of the NHLS or damage the record, or infringe copyright not owned by the State. Where a Record cannot be made available in the requested form but in another form, then the fee must be calculated according to the form that the Requester asked for;
- f) if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the IO or DIO of the NHLS;
- g) if the Requester is unable to read or write, or has a disability, then the request can be made orally. The IO or DIO must then fill in the form on behalf of such a Requester and give them a copy of the completed form;

- h) the Requester must indicate if the Requester wants a copy of the Record, or if the Requester wants to attend the office of the NHLS to look at the Record at the offices of the NHLS. Alternatively, if the Record is not a paper document it can be viewed in the Requested form, where possible

### 6.3 Request and Access Fees

- 6.3.1 a Requester seeking access to a Record containing personal information about that Requester is not required to pay the request fee. Every other Requester must pay the applicable Request and Access Fees as contemplated in sections 52 and 54 of the Promotion of Access to Information Act and as prescribed in items 1 of Annexure B to the Regulations regarding the Promotion of Access to Information (GNR 757, GG 45057 of 27 August 2021). For ease of reference, the prescribed Request and Access fees are set out in “Annexure B” to this manual.
- 6.3.2 In addition, a Requester may also be required to pay a deposit. The NHLS may withhold access to any Record requested until the Requester concerned has paid the applicable fee.
- 6.3.3 The IO or DIO must notify the Requester, other than a Personal Requester, by notice, requiring the Requester to pay the prescribed Request Fee, where applicable, and deposit, where applicable, before further processing the request.
- 6.3.4 A Requester may lodge an internal appeal as prescribed by in clause 09 of the Regulations regarding the Promotion of Access to Information (GNR 757, GG 45057 of 27 August 2021) or bring an application to court against the request to pay a fee.
- 6.3.5 The IO or DIO must notify a Requester of the outcome of a request, in the manner in which the Requester requested to be notified.

- 6.3.6 If the Request is granted, then a further access fee, as prescribed in item 1 of Annexure b to the Regulations regarding the Promotion of Access to Information (GNR 757, GG 45057 of 27 August 2021); must be paid for the reproduction and for search and preparation for any time required in excess of the prescribed hours to search and prepare the record for disclosure.
- 6.3.7 The IO or DIO who received a request for access that relates to a Record, or is in the possession of, another Public Body, must transfer that request to the said body and inform the Requester accordingly, provided the transfer will not be too time consuming and interfere unreasonably with the functions of the IO or DIO. Alternatively, the IO or DIO may notify the Requester that the Record requested is in the possession of or relates to another Public Body and advise the Requester to submit the Request for Access to that other Public Body.
- 6.3.8 The SAHRC must, upon request and if reasonably possible, offer assistance to any person wishing to exercise any right contemplated in the Act.

## **7 Services Available to the Public**

- 7.1 Services provided by the NHLS to the public include:
- a) bursary schemes;
  - b) pathology and phlebotomy services in public hospitals, and academic centres;
  - c) internships to deserving health sciences graduates;
- 7.2 For more details regarding the services offered by the NHLS, interested persons should access the NHLS website at [www.nhls.ac.za](http://www.nhls.ac.za) or contact our regional branches at:

Head Office: Tel: 011 386 6000

Eastern Cape: Tel: 043 700 8702/ 44 Pearce Street, Berea, East London

Free State: Tel: 011 555 0389/ [stephen.monareng@nhls.ac.za](mailto:stephen.monareng@nhls.ac.za)

Gauteng: Tel: 011 489 9154/ Watkins Pitchford Building, De Korte Str,  
Braamfontein

Kwa-Zulu Natal: Tel: 031 327 6736 / NHLS Building, 149 Prince Street, Durban

Limpopo: T:015 296 3780 / 15 Pierre Street, 8Ficus Park Office,Bendo Park,  
Polokwane

Mpumalanga: T: 015 296 3780 / [jabob.lebudi@nhls.ac.za](mailto:jabob.lebudi@nhls.ac.za)

Northern Cape: 021 417 9377 / [nasima.mohamed@nhls.ac.za](mailto:nasima.mohamed@nhls.ac.za)

North West: Tel: 011 555 0389/ [stephen.monareng@nhls.ac.za](mailto:stephen.monareng@nhls.ac.za)

Western Cape: Tel: 021 417 9377 / Nelson Mandela Territory Lab, Sisson Str,  
Fort Gale.

## **8 Public Participation**

8.1 Members of the public participate in the affairs of the NHLS through SALGA and trade union representation in NHLS Board as full Board members, appointed in terms of section 7 (g) and (h) of the NHLS Act.

## **9 Processing of Personal Information**

9.1 The purpose of processing the personal information is need to link personal information with databases held outside of NHLS. This is essential for individual patient care; communicable disease program implementation; communicable disease surveillance, and research. This in accordance with the mandate as set out in the National Health Laboratory Service Act 37 of 2000.

9.2



Categories of Data Subjects	Personal Information that may be Processed
Patients	Names and surname; date of birth, addresses, cell phone number, facility folder number, national ID number, unique data warehouse identifier
Minors	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives ( family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

### 9.3 General Description of Information Security Measures to be implemented

9.3.1 the NHLS will not proceed to link datasets held outside of the NHLS unless there is a valid interest to do so that is either:

- (i) in the patient's interest;
- (ii) Public interest; or
- (iii) For research

9.3.2 Application to link data sets will be made via AARMS application procedure with the linking purpose specified. Linking will only occur after a Material Data Transfer Agreement (MTA) has been signed between the custodians or

gatekeepers of the external datasets and NHLS. Such MTA will stipulate how data should be prepared, processed, stored and eventually deleted.

- 9.3.3 Datasets will be transferred securely to the NHLS data warehouse via a secure method as indicated within the NHLS IT department, and only NHLS staff authorised in the AARMS application will have access to the data, including the patient identifiers.

## **10 Remedies Available in Respect of Non-Compliance by the NHLS**

- 10.1 A complainant may lodge an internal appeal against a decision of the Information Officer of NHLS. As contemplated in S75(1) of the Act, on a form which corresponds substantially with “Form 4) of Annexure A to the Regulation to PAIA (GNR 757, GG 45057 of 27 August 2021)
- 10.2 A complaint contemplated in S77A of the Act, must be lodged in writing on a “Form 5” of Annexure A to the Regulation to PAIA (GNR 757, GG 45057 of 27 August 2021; to the Information Regulator, who will the lodge an investigation of the complaint.

## **11 Miscellaneous**

### **11.1 Decision to Grant or Refuse Access and Notice to Requester**

- 10.1.1 The IO must consider and grant or deny a Request for Access to a Record within 30 days of receipt of such Request, in accordance with Sections 20, 21, 22, 23, 24, 25, 27, 28 and 29 of the Act; read with the SAHRC Guide on How to Use PAIA 2014 (“the Guide”) (as amended from time to time).
- 10.1.2 The IO may extend the 30 days up to a further maximum 30 days, subject to

Section 26 of the Act read with the Guide.

10.1.3 The IO must grant and cannot refuse to grant a Request for Access in respect of personal information relating to a Requester, where the Requester consented to the granting of access to such personal information, in accordance with Section 46 of the Act read with the Guide.

10.1.4 The IO may refuse to grant a Request in accordance with Sections 30, 33, 34, 35, 36 to 45 and 49 of the Act read with the Guide.

## 11.2 Notice to Third Parties

10.2.1 The IO who received Request for Access to a Record containing information about a Third Party must notify or take all reasonable steps to ensure he or she informs the Third Party concerned about the Request, in order to afford the Third Party to make representations in accordance with Sections 47, 48 and 49 of the Act read with the Guide.

### 11.3 Availability of this Manual

10.3.1 The IO must, immediately after the Manual has been compiled and signed and updated in accordance with Section 14 of the Act, make a copy of the Manual available, compiled in at least three official languages to:

- a) the SAHRC;
- b) each of the NHLS Regional Offices;
- c) on NHLS website, and
- d) may publish the manual in the Government Gazette.

## 12 Schedules

12.1 This Manual contains two schedules as follows:

12.1.1 Annexure A – Request for Access to Record of Public Body (Section 18(1) of the Act);

FORM 2 REQUEST FOR ACCESS TO RECORD [Regulation 7]	
<b>Note:</b> 1. <i>Proof of identity must be attached by the requester.</i> 2. <i>If requests made on behalf of another person, proof of such authorisation, must be attached to this form.</i>	
TO:	The information officer _____ _____ _____ (Address)
E-mail address:	_____
Fax number:	_____
Mark with an "X"	
<input type="checkbox"/>	Request is made in my own name
<input type="checkbox"/>	Request is made on behalf of another person.
PERSONAL INFORMATION	

Full names:			
Identity number:			
Capacity in which request is made (when made on behalf of another person):			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):	Facsimile:	
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity number:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):	Facsimile:	
	Cellular:		
<b>PARTICULARS OF RECORD REQUESTED</b>			
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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)			
Description of record or relevant part of the record:			
Reference number, if available:			
Any further particulars of record:			
<b>TYPE OF RECORD</b>			
(Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			
<b>FORM OF ACCESS</b>			
(Mark the applicable box with an "X")			
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)			

Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

**FEES**

a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

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

Signature of requester / person on whose behalf request is made

**FOR OFFICIAL USE**

Reference number:	
Request received by: (state rank, name and surname of information officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of information officer

## 12.1.2 Annexure B – Request Fees and Access Fees

**ANNEXURE B  
FEES****Fees in Respect of Public Bodies**

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc	R40.00
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	

Item	Description	Amount
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

#### Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(iii) Flash drive (to be provided by requestor)	R40.00
	(iv) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(v) Flash drive (to be provided by requestor)	R40.00
	(vi) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.