



<b>Document Name</b>	<b>Manual on access to information held by the Centre for Proteomic and Genomic Research v1</b>	<b>Document number</b>	<b>MNL 0001</b>	<b>Version number</b>	<b>1</b>
<b>Approved By</b>	<b>Moleboheng Seutloali (Quality Manager)</b>	<b>Effective date</b>	<b>29 September 2021</b>	<b>Confidential</b>	

## MANUAL ON ACCESS TO INFORMATION HELD BY

The Centre for Proteomic and Genomic Research

Prepared in accordance with section 51 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").

### DATE OF COMPILATION:

**21 September 2021**

### EFFECTIVE DATE:

**29 September 2021**

### DATE OF REVISION:

**September 2022**

### Rev. 1

#### Authored by:

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#### Reviewed By:

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Bianca Sansom (General Manager)

Moleboheng Seutloali (Quality Manager)



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## 1. INTRODUCTION

1.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”), as amended, gives effect to section 32 of the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) which gives the right to access to any information held by the state and/or another person, that is required for the exercise or protection of any right.

1.2. Where a request is made in terms of the Act, the body to whom the request is made must consider whether to release the information, giving due consideration to applicable legislative and/or regulatory requirements, except where the Act expressly states that the records containing such information may not be released.

1.3. This manual, which is compiled in accordance with section 51 of the Act and complies with the requirements of the Protection of Personal Information Act, No. 4 of 2013 (“POPIA”), is intended to inform a requestor of information, about the procedure for requesting information from the holder. This manual further incorporates the requirements of the POPIA and sets out the framework for our company’s compliance with the same.

1.4. Where reference is made to the “processing” of personal information, this will include any activity in which information is worked with, from the time that it is collected, up to the time that it is destroyed, regardless of whether it is worked with manually, or by automated systems.

## 2. COMPANY AND CONTACT DETAILS

2.1. The Centre for Proteomic and Genomic Research is a not-for-profit company registration number 2006/010411/08. Our range of services include “omic” solutions for Research and Precision Medicine questions within the spheres of genomic, proteomic and bioinformatics.

2.2. Our contact details are as follows: Physical Address: Upper Level. St. Peters Square Mall, Cnr Anzio and Main Roads, Observatory, Cape Town, South Africa 7935.

Telephone number: 021 447 5669

Email Address: [info@cpgr.org.za](mailto:info@cpgr.org.za)

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

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### 3. ACRONYMS AND DEFINITIONS

#### 3.1. Acronyms:

POPIA	Protection of Personal Information Act
SAHRC	South African Human Rights Commission
MOU	Memorandum of Understanding
NDA	Non-Disclosure Agreement
MOA	Memorandum of Agreement
SLA	Service-Level Agreement
CIPC	Companies and Intellectual Property Commission

#### 3.2. Definition:

Requester	Any person requesting access to information
Personal requester	Any person seeking access to information containing personal information about the requester. The Centre for Proteomic and Genomic Research will voluntarily provide the requested information or give access to any record concerning the requester's personal information.
Other Requester	Any person entitled to request access to information on third parties. In considering such a request, the Information Officer will take all reasonable steps to inform the third party to whom the requested record relates of the request.
Refusal	The expression of the CPGR's unwillingness to accept or grant a request.

### 4. INFORMATION OFFICER

4.1. The Human Resources Manager, Roxaan Duminy is the appointed Information Officer of the Centre for Proteomic and Genomic Research. Contact details are listed hereunder:

Name:	Roxaan Duminy
Position:	Human Resources Manager
Physical & Postal Address:	Upper Level, St Peter's Square, Cnr Anzio and Main Roads, Observatory, Cape Town, South Africa 7925
Telephone:	(021) 447 5669
Email:	<a href="mailto:roxaan.duminy@cpgr.org.za">roxaan.duminy@cpgr.org.za</a>

4.2. The General Manager, Bianca Sansom is the appointed Deputy Information Officer of the Centre for Proteomic and Genomic Research. Contact details are listed hereunder:

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<b>Name:</b>	Bianca Sansom
<b>Position:</b>	General Manager
<b>Physical &amp; Postal Address:</b>	Upper Level, St Peter's Square, Cnr Anzio and Main Roads, Observatory, Cape Town, South Africa 7925
<b>Telephone:</b>	(021) 447 5669
<b>Email:</b>	<a href="mailto:bianca.sansom@cpgr.org.za">bianca.sansom@cpgr.org.za</a>

4.3. The Information Officer shall oversee the functions and responsibilities as required in terms of the Act and section 55 of POPIA, after registration with the Information Regulator.

4.4. The Information Officer may delegate some of the functions and responsibilities delegated to them by the Act and POPIA, to the Deputy Information Officer.

4.5. All requests for information must be addressed to the Information Officer.

## **5. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1)(b))**

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

5.2. 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 paragraphs 6 and 7 of the Act.

5.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information to exercise Constitutional Rights. The Guide is available from the SAHRC.

5.4. Enquiries in this regard should be directed to:

Postal Address: Private Bag 2700, Houghton,

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

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

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

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## 6. RECORDS AVAILABLE ON REQUEST

6.1. The Centre for Proteomic and Genomic Research holds the following records which may be available only on request in terms of section 51(1)(e).

<b>Documents /Records</b>	<b>Subject</b>
Company registration Documents	Memorandum of Incorporation
Financial records	Annual Financial Statements Asset register Banking details and bank accounts Debtors and creditors statements and Invoices General ledgers General reconciliations Tax returns Rental agreements PAYE records Statutory compliance records (VAT, SDL, UIF, workmen's compensation)
Organizational Contracts	MOU NDA MOA SLA
IT records	Disaster Recovery Plan Hardware asset register IT strategy IT charter Software licencing register System documentation Quarterly reports
Project Documentation	Project Budget Analytical Study Plan Project Quotes Project acceptance Project progress reports Analytical report Project reviews
Client documentation	Client name Client affiliation Client contact details Client finance officer (if relevant) Client finance officer contact details (if relevant)
ISO certification documents	Certificates Audit reports Business continuity plan Risk strategy and register

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	Standard Operating Procedures Policies and procedures
Reporting documentation	Quarterly project reports Monthly reports Meeting minutes Board of Director meeting minutes
Human Resources documentation	Policies and procedures Employment contracts Banking details Training records Leave records Statutory records (i.e.: BBBEE strategy and reports and/or certificates, SETA reports and plans, Employment Equity records, etc.)

6.2. For the purposes of the above clause 6.1., “Personnel” refers to any person who works for, or provides services to, or on behalf of the Centre for Proteomic and Genomic Research and receives or is entitled to receive remuneration. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

6.3. Access to the records stipulated in clause 6.1 above may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

6.4. The Centre for Proteomic and Genomic Research also holds the following special personal information in terms of section 32 of the POPIA, on behalf of Artisan Biomed (100% subsidiary of CPGR).

Special Personal Information	List of personal details Medical aid information Genetic results This list may not be inclusive.
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6.5. Access to the records stipulated in clause 6.4 shall be subject to provisions set out in sections 26, 27 and 28 of the POPIA.

## 7. RECORDS AVAILABLE WITHOUT A REQUEST

7.1. The following records are available on payment of the prescribed fees for copies without completing the prescribed form in terms of the Act.

- a. Record of a public nature
- b. Records disclosed on the Centre for Proteomic and Genomic Research website
- c. Statutory records such as those maintained at the CIPC

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d. Other Non-confidential records such as newsletters, brochures, and similar.

7.2. Requests for such records must be directed to the Information Officer.

7.3. An appointment to view such records will have to be made with the Information Officer.

## **8. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

8.1. The Centre for Proteomic and Genomic Research retains records and documents in terms of other legislation listed below.

8.2. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.

8.3. A request to access must be done in accordance with the prescriptions of the Act.

- a. Basic Conditions of Employment Act, No 75 of 1997;
- b. Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- c. Companies Act, No 71 of 2008;
- d. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- e. Competition Act, No.71 of 2008;
- f. Constitution of the Republic of South Africa 2008;
- g. Copyright Act, No 98 of 1978;
- h. Electronic Communications Act, No 36 of 2005;
- i. Electronic Communications and Transactions Act, No 25 of 2002;
- j. Employment Equity Act, No 55 of 1998;
- k. Financial Intelligence Centre Act, No 38 of 2001;
- l. Health Professions Act, No 56 of 1974;
- m. Identification Act, No. 68 of 1997;
- n. Income Tax Act, No 58 of 1962;
- o. Intellectual Property Laws Amendment Act, No 38 of 1997;
- p. Labour Relations Act, No 66 of 1995;
- q. Medical Schemes Act, No 131 of 1998;
- r. National Health Act, No 61 of 2003;
- s. Occupational Health & Safety Act, No 85 of 1993;
- t. Pension Funds Act, No 24 of 1956;
- u. Prescription Act, No 68 of 1969;
- v. Prevention of Organised Crime Act, No 121 of 1998;
- w. Promotion of Access to Information Act, No 2 of 2000;
- x. Protection of Personal Information Act, No. 4 of 2013;



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y. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002

z. Unemployment Insurance Act, No 30 of 1996

aa. Value Added Tax Act, No 89 of 1991

8.4. The accessibility of documents and records requested as a result of other legislation, may be subject to the grounds of refusal, set out in this Manual.

## **9. REQUEST FOR ACCESS TO INFORMATION**

9.1. The requester must comply with all the procedural requirements contained herein relating to the request for access to information.

9.2. The requester must complete the prescribed form available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za) (Request for access to record of private body\_J752 /Form C) and submit same, with payment and/or proof of payment as well as payment of the requested fee and/or a deposit (if applicable) to the Information Officer at the Centre for Proteomic and Genomic Research.

9.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- a. the information or records requested
- b. the identity of the requester
- c. the form of access required
- d. the postal address or fax number of the requester in the Republic; or
- e. if the requester wishes to be informed of the decision in a different manner (in addition to written), the manner and particulars thereof; and
- f. 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.

9.4. The Centre for Proteomic and Genomic Research will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer, that circumstances dictate urgency.

9.5. The requester shall be advised whether access is granted or denied in writing.

9.6. In addition, the Information Officer will include the reason for the decision.

9.7. Should a request be made on behalf of another person, then the requester must submit proof of the capacity in which they are acting to the satisfaction of the Information Officer (section 53(2)(f)).

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9.8. Should an individual be unable to complete the prescribed form, owing to illiteracy or disability, such a person may make the request orally.

9.9. The requester must pay the prescribed fee before the request can be processed.

9.10. All information listed in Par 9.3 should be provided, failing which, the process will be delayed until the required information is provided.

9.11. The prescribed time periods will not commence until the requester has furnished all the required information and paid the prescribed fee.

9.12. The Information Officer shall partition information, if possible, and only grant the requester, access to the requested portion.

## **10. REFUSAL OF ACCESS TO RECORDS**

10.1. The Centre for Proteomic and Genomic Research is permitted to refuse a request for information in terms of the Act.

10.2. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

10.3. The main grounds for the Centre for Proteomic and Genomic Research to refuse a request for information are:

- a. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
- b. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- c. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
- d. mandatory protection of the commercial information of a third party (section 64) if the record contains:
  - i. trade secrets of the third party;
  - ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - iii. information disclosed in confidence by a third party to the Centre for Proteomic and Genomic Research if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- e. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

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f. mandatory protection of the safety of individuals and the protection of property (section 66);  
g. mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).  
h. the commercial activities (section 68) of a private body, such as the activities of the Centre for Proteomic and genomic Research which may include:

- i. trade secrets
- ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the Centre for Proteomic and Genomic Research.
- iii. the information which, if disclosed could put the Centre for Proteomic and Genomic Research at a disadvantage in negotiations or commercial competition;
- iv. research information (section 69) of the Centre for Proteomic and Genomic Research or a third party, if its disclosure would disclose the identity of the Centre for Proteomic and Genomic Research or the researcher, or the subject matter of the research and would place the research at a serious disadvantage.

10.4. Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10.5. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

10.6. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

10.7. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.

10.8. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

## **11. PRESCRIBED FEES (SECTION 51 (1) (f))**

11.1. The Act provides for two types of fees, namely:

- a. A request fee, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b. An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

<b>Requested record</b>	<b>Access Fee</b>
Request fee	R50.00
A4 copy/print each (only in the event of hard copies for collection)	R2.00
A4 electronic or machine-readable copy each (Faxes and e-mailed documents.)	R1.00

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11.2. When a request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

11.3. The Information Officer shall withhold a record until the requester has paid the requested fees.

11.4. A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, the processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including planning to make it available in the request form.

## **12. DECISION**

12.1. The Centre for Proteomic and Genomic Research will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give written notice with reasons to that effect (WKS\_MNL 0001\_Decision (approval or refusal) regarding request for access to record of private body).

12.2. The 30 (thirty) day period within which the Centre for Proteomic and Genomic Research must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the original 30 (thirty) day period.

12.3. The Centre for Proteomic and Genomic Research will notify the requester in writing (email) should an extension be sought.

12.4. Records held by the Centre for Proteomic and Genomic Research may be accessed by request only once the prerequisite requirements for access have been met.

12.5. The Centre for Proteomic and genomic Research does not have internal appeal procedures as the decision made by the Information Officer is final.

12.6. A requestor and/or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of receipt of notification of the decision apply to the High Court with jurisdiction, for relief.

12.7. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

## **13. AVAILABILITY OF THE MANUAL**

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13.1 This manual is available for inspection at the office of the Centre for Proteomic and Genomic Research free of charge and can also be accessed on the Centre for Proteomic and Genomic Research (CPGR) website (<https://www.cpgr.org.za/>).

#### **14. RECORD-KEEPING, RETENTION TIME AND DISPOSITION**

14.1. All PDF and editable versions of the documents will be maintained on SharePoint and reviewed annually.

14.2. All records (Request for access to record of private body\_J752 /Form C), written notices, Proof of Payment (POP), will be maintained by the HR manager.

#### **15. REFERENCES**

<https://popia.co.za/>

<https://www.sahrc.org.za/>

<http://www.cipc.co.za/za/>

<https://www.lssa.org.za/>

#### **16. APPENDICES**

16.1. Request for access to record of private bodyJ752 /Form C

16.2. WKS\_MNL 0001\_Ddecision (approval or refusal) regarding request for access to record of private body