

**PAIA (Promotion of Access to Information Act) Manual- Summary**  
**(Complete Version Available on Request)**

1. Definitions and Interpretation
2. Purpose of this manual
  - Section 32 of the Constitution allows individuals to access information held by others if the information is required for the protection of their rights. To make this right a reality, the Promotion of Access to Information Act (PAIA) was created. However, access to information is not absolute, and reasonable limitations are allowed to ensure fairness in society. Overall, the right to access information aims to strike a balance between individual rights and the protection of sensitive or private information in both public and private sectors.
  - DG Lab Services aim is to comply with this legislation. The overall goal is to handle information requests efficiently, considering the rights of the requester, the company, and any third parties involved.
  - The aim of this manual is to deal with requests for access to information and records in the most cost effective and efficient manner while taking into account the rights of the requester, the company and any third party.
3. Legal Status and Application of Law
  - This section outlines several key areas of the manual and its correctness with regards to legislation.
    - o Legal Priority: The Act prevails over this manual if there's a conflict.
    - o Access Flexibility: The company can ease access as per other laws.
    - o Exemptions: Criminal or civil proceedings aren't covered by this manual or the Act.
    - o Legal Supremacy: The Act and manual override laws limiting record disclosure.
    - o No Implicit Contracts: This manual doesn't create contracts unless specified.
    - o Accuracy Responsibility: The company must ensure manual accuracy.



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- Non-Compliance Consequences: Failing procedures can result in denied access.
  - Privacy Compliance: Personal info follows the POPI Act or stricter laws.
  - Administrative Actions: Requests adhere to POAJA principles.
  - Public Document: Published manual is public. Requests considered fairly.
  - Importantly, this manual does not guarantee access; each request is evaluated on its merits and should not be refused without good reason.
4. Availability of this manual
- This section covers where this manual can be found
5. Guide as provided for in Section 10 of the Act
- The Human Rights Commission has compiled a Guide to the Act to assist members of the public and private sectors to access information and records more effectively.
  - Information is given on where the Guide can be obtained
6. Details of the Company
- DG Lab Services details are provided in Schedule A
  - Details of the Head of the Company and Information Officer are provided in Schedule B of the manual
  - Details of other directors, prescribed officers and top senior management are provided in Schedule C
  - This Act does not require an Information Officer but one is in place as per the POPI Act.
7. Voluntary Disclosure and Automatic Availability of certain records
- Certain records are already in the public domain or intended to be placed in the public domain. Access to these can be obtained without following the steps provided in this manual.
  - A list of categories of information is provided in Schedule D. These include contracts of employment or letters of employment, payslips, occupational health & safety assessments as required by inspection officers. Request for access to information and records from Schedule D can be made to any person indicated in Schedule C (other directors and top senior management) and does not have to be directed to those indicated in Schedule B (head of the company and/or Information Officer)
8. Nature of business and business activities
- Business activities covered in Schedule E

9. Management of the Company
  - Covers the company inception, shareholders and directors of the company
10. Group structures and connected companies
  - Not applicable currently
  - Should this change, procedure indicated in this manual
11. Records available in terms of other legislation
  - Reference to Schedule G (includes legislation such as Basic Conditions of Employment Act, B-BBEE Act, Companies Act, Workman's Compensation, Consumer Protection Act, Copyright Act, Employment Equity Act)
  - Any person (not only those specified in the legislation) can make a request for records associated with these Acts.
12. Procedure to make a request for access
  - There is a prescribed form (Annexure 1) which the requester must complete and sign and forward to the officials in Schedule B (head of company and information officer).
  - The next steps covers the time period in which the officials in Schedule B is to expected to respond (7 days to process the form, 30 days for the decision to grant or refuse access and when an extension for a further 30 days can be utilized) and guidelines on granting access to the information requested and refusing access to the information requested.
  - Another aspect indicated is where part of a record is refused - that part can be deleted - while the other part can be provided
13. Prescribed fees
  - As per Annexure 2, a prescribed fee (if any) must be paid before further processing of the request. This is not applicable to a personal requester
  - In some instances, a deposit may be required
14. Records that are lost, cannot be found or do not exist
  - An affidavit or affirmation indicating all steps to find the record must be provided by the official to the requester.
  - If found, it must be granted, unless it would be refused.

15. Refusal or deemed refusal of request
  - The request would be considered refused:
    - o if the official does not make a decision within the 30 day period
    - o if the record is lost/does not exist
    - o if the official submits a written communication refusing the request
16. Rights of third parties
  - Covers the steps, timelines and outlines how to go about requests for access to records which are related to a third party
    - o Notice to third parties
    - o Representations and consent by third parties
    - o Decision on representations for refusal and notice thereof
    - o General rights of third parties
  - Another aspect to consider is the collection of records from a source other than a third party. Some reasons for this is provided.
17. Granting of access to a record in general
  - Guideline provided for:
    - o when a request for personal information shall be processed
    - o when a request for access to a record must be granted
18. Refusal of request for access to a record in terms of other legislation in general
  - Guideline provided
19. Records held by contractors
  - Records held by accountants and other such independent contractors engaged by the company, are company records
  - A request for access for any company records in possession of these contractors must be made to the officials in Schedule B (head of the company and information officer)
20. Classification and categories of sensitive and protected records
  - As per PAIA and POPI:
    - o Natural people – as per Table A – personal information, special personal information
    - o Private bodies – as per Table B – research, trade secrets, safety and protection, confidentiality
21. Fairness and prevention of disputes
  - Covered in points 22 and 23 i.e. to prevent having to go to court

22. Expert Opinion

- Official in Schedule B (head of company and information officer) is allowed during the 30 day time period to obtain advice from an expert

23. Arbitration

- Agreement and appointment by the parties (the company and the requestor) of an attorney or advocate from the panel of arbitrators of the Arbitration Foundation of Southern Africa (AFSA) to assist with the dispute resolution.

24. Applications to court

- Outline indicated

25. Other remedies

- Depending on the problem, the matter may be reported to:
  - o South African Human Rights Commission
  - o The Regulator
  - o National Consumer Tribunal
  - o SAPS

**Inclusion to the PAIA manual**

- A table indicating the records held by DG Lab Services
- An indication that the POPI act is being adhered to which is in compliance with PAIA