

MANUAL IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("Act")

OF

**AFRICA HEALTH RESEARCH INSTITUTE**

(Company Registration Number)

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## 1. INTRODUCTION

Africa Health Research Institute ('AHRI') is a multi-disciplinary scientific research institute that is a source of fundamental discoveries into the susceptibility and transmission of HIV and TB and related diseases whilst improving diagnosis, prevention and treatment. AHRI is based across two sites (Somkhele and Durban) in KwaZulu-Natal.

The Promotion of Access to Information Act No. 2 of 2000 ('PAIA') gives effect to the constitutional right of access to any information held by the state and any information held by any other person, provided that such information is required to the exercise or protection of any rights.

## 2. CONTACT DETAILS

The Information Officer at AHRI, is responsible for administration of, and compliance with the Promotion of Access to Information Act, 2000 (PAIA). The Information Officer is also responsible for this information manual as prescribed in section 51 of PAIA. Requests pursuant to the provision of the Act should be directed as follows:

Name: Dr Kobus Herbst  
Designation: Chief Information Officer  
Postal Address: Private Bag X7, Congella, Durban 4013  
Physical Address: 3rd Floor, K-RITH Tower Building, 719 Umbilo Road,  
Durban, KZN, South Africa.  
Telephone Number: 035-550-7503  
Fax Number:  
E-mail: [Kobus.Herbst@ahri.org](mailto:Kobus.Herbst@ahri.org)

## 3. THE ACT

The South African Human Rights Commission ('SAHRC') has published the guide in each official language of South Africa, on how to use PAIA as prescribed in Section 10 of the Act. The guide is available at the offices of the SAHRC. Please direct any queries to:

### **The South African Human Rights Commission**

Postal Address: Private Bag X2700  
Houghton  
2041  
Physical Address: 33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2017

Telephone: +27 011 877 3600

Website: <http://www.sahrc.org.za/index.php/understanding-paia>

#### 4. ACCESS TO RECORDS

This section of the manual sets out the subject and categories of records of held by AHRI. We hold the following subjects and categories of records:

- a) **Research-related records**
- b) **Incorporation and operational documents**
- c) **Financial records**
- d) **Human resources records**
- e) **Other records**

A variety of record, reports and documents is voluntarily disclosed and can be accessed on the AHRI website ([www.AHRI.org](http://www.AHRI.org)). The AHRI website contains, amongst others, the following information that is automatically available:

- a) Scientific publications
  - b) Reports
  - c) Forms
  - d) Media releases
  - e) Fellowship guidelines
- f) The records that may be requested via the PAIA request procedure are:
- a) Incorporation and operational documents
    - Memorandum of incorporation
    - Documents of incorporation
    - List of directors of AHRI
    - List of persons authorised to bind AHRI
    - Documents relating to the policy, objectives and governance of AHRI
    - Directives, resolutions and instructions of the AHRI board
    - Policies, standards, procedures and guidelines
    - Minutes of board of directors' meetings
    - Records relating to the appointment of directors, auditor, secretary and other officers
    - Operational records
    - Other statutory records
  - b) Financial Records
    - Accounting records and books of account
    - Annual financial statements
    - Auditor's annual report
    - Details of auditors of AHRI
    - Tax returns and records
    - Banking records

- Bank statements
  - Electronic banking records
  - Asset register
  - Rental agreements
  - Invoices
  - Financial agreements
- c) Human Resources
- List of employees
  - Employee personal information
  - Personnel policies and procedures
  - Personnel files
  - Operational manuals
  - Contracts, conditions of services and other agreements
  - Remuneration records
  - Internal evaluations
  - Disciplinary codes and records
  - Statutory employee records
  - Medical scheme records
  - Training records
  - Personal records provided by personnel
  - Related correspondence
- d) Other Records
- Licences and permits
  - Contractual and procurement agreements
  - Insurance policies
  - Legal compliance records
  - Internal policies, standards, and directives
  - Research, Scientific and Technical records
  - Internal correspondence
  - Income tax records
  - Regulatory records

## **5. INFORMATION WE HOLD TO COMPLY WITH THE LAW**

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act No. 53 of 2003;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Copyright Act 98 of 1978;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;

- Income Tax Act 58 of 1962;
- Insurance Act 27 of 1943;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Protection of Personal Information Act 4 of 2013;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

## 6. REQUEST PROCEDURE

To facilitate the processing of your request, kindly:

- 6.1. Use the prescribed form, available on the website of the South African Human Rights Commission at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: [Form C](#).
- 6.2. Address your request to the Information Officer at AHRI together with the relevant request fee (details here: [Notice on fees](#)) at our information officer's email address, our physical address in terms of our details provided above.
- 6.3. Provide sufficient details to enable AHRI to identify:
  - 6.3.1. The record(s) requested;
  - 6.3.2. The requester (and if an agent is lodging the request, proof of capacity);
  - 6.3.3. The form of access required;
  - 6.3.4. (a) The email address, physical address, postal address or fax number of the requester;
  - (b) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - 6.3.5. 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.
- 6.4. If you do not use the standard form we may:
  - 6.4.1. reject the request due to lack of procedural compliance;
  - 6.4.2. refuse it if you do not provide sufficient information; or
  - 6.4.3. delay it.

## 7. GROUNDS FOR REFUSAL

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy;
- another company's commercial information;
- someone else's confidential information;
- the safety of individuals and property;
- records privileged from production in legal proceedings; or

- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

## **8. ACCESS TO RECORDS**

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

## **9. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 9.1. Our Information Officer will notify the requestor by notice, to pay the prescribed fees (R50.00) before a request will be processed;
- 9.2. The Information Officer will then make a decision on the request and notify the requester in the required form.
- 9.3. If the request is granted and if the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 9.4. A requestor may lodge an application with a court against the tender or payment of the request fee or deposit;
- 9.5. Records may be withheld until the fees have been paid.
- 9.6. The requestor may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 9.7. The fee structure is available on the website of the South African Human Rights Commission at [Notice on fees](#).

## **10. PROCESSING AND PROTECTING PERSONAL INFORMATION**

We process the personal information of various categories of people for various purposes as set out in this clause and in terms of our Privacy Policy at:

<https://www.ahri.org>.

### **10.1. Categories of people**

We process the personal information of the following categories of people:

- research participants;
- employees;
- medical practitioners providing services related to employees;

- contractors, vendors, or suppliers;
- debtors and creditors; and
- directors.

## **10.2. Purposes**

We process the personal information to:

- to conduct research
- manage employees in general;
- manage supplier contracts in general;
- enforce debts; and
- process personal information of employees for forensic purposes.

## **10.3. Categories of personal information**

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- health information;
- biometric information;
- account numbers;
- background information;
- contract information;
- credit information; and
- debt and debtor information.

## **10.4. Third-party disclosures**

We give the following people personal information that we process in the ordinary course of business to fulfil our obligations:

- contractors, vendors, or suppliers;
- research partners; and
- operators, other responsible parties, or co-responsible parties.

## **10.5. Cross-border transfers**

We may send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

## **10.6. Security**

We secure our data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorised access, disclosure, alteration and destruction. We also take reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

## **11. OTHER PRESCRIBED INFORMATION**

The Minister of Justice and Constitutional Development has not made any regulations prescribing any other information that needs to appear in this manual.

## **12. AVAILABILITY OF THE MANUAL**

A copy of the manual is available on our website at: [www.ahri.org](http://www.ahri.org) and to the public for inspection at the South African Human Rights Commission ('SAHRC') and AHRI head office:

3rd Floor  
K-RITH Tower Building  
719 Umbilo Road

## **13. UPDATES TO THIS MANUAL**

This manual will be updated whenever we make material changes to the current information.