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	Effective date: 2021-Jul-28
Approved by: AA van Wyk: Chief Executive Officer	Page 1 of 18

Promotion of Access to Information Manual

APPROVAL

 Digitally signed by
Abraham van Wyk
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Location: Cape Town
Date: 2021.06.30
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AA van Wyk: Chief Executive Officer

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	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 2 of 18

Table of Contents

1.0	Right of Access to Information	3
2.0	TCD group structure	6
3.0	Key definitions and clarifications	6
4.0	Templates	7
5.0	Related Documents	8
6.0	Classes of Records	8
7.0	Processing of Personal Information in terms of the POPI Act	13
8.0	Access Procedure and Requests	15
9.0	Grounds for Refusal of Access to Records and Appeal	17
10.0	Prescribed Fees: Section 92	18

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 3 of 18

1.0 Right of Access to Information

1.1 Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right of access to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act” and/or “PAIA”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requestors to exercise and protect their constitutional right to request access to a record.

PAIA establishes the following statutory rights of requestors to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights.
- That requestor complies with all the procedural requirements.
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act, private bodies are required to publish a manual to assist requestors who wish to request access to a record.

1.2 Availability of the TCD PAIA Manual and Entry Point for requests

This document serves as the TCD Promotion of Access to Information Act Manual (“the PAIA Manual” and/or “Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by TCD.

- This Manual is available for inspection at the offices of TCD, free of charge.
- Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of TCD.
- A copy of this Manual is available to any person of the public in a PDF (“Portable Document Format”) version on the website of TCD at <https://www.tcd-global.com/> or on request from the Information Officer referred to in this Manual.

Note: The Manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the Manual will be made public.


TCD endorses the spirit of PAIA and believes that this Manual will assist requestors in exercising their rights.

In summary the Manual provides information on the:

- Contact details of the Information Officer.

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	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 4 of 18

- Structure and functions of TCD.
- Subjects and categories of records that are held by TCD.
- Procedure that needs to be followed and criteria that must be met by a requestor to request access to a record.

1.3 Who may request access to the information?

PAIA provides that a requestor is only entitled to access a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requestor has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requestor may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requestors may make a request as:

- A personal requestor who requests a record about him/herself.
- An agent requestor who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right.
- A third-party requestor who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right.
- A public body who may request a record if:
 - It fulfils the requirements of procedural compliance;
 - The record is required for the exercise or protection of a right;
 - No grounds for refusal exist.

1.4 Contact Details of TCD Information Officer

The Chief Executive Officer of TCD has delegated his powers to the Information Officer below in terms of PAIA to handle all requests on TCD's behalf and ensure that the requirements of PAIA are administered in a fair, objective and unbiased manner.

TCD contact details


Information Officer: Dr Linda Duursema
Deputy Information Officer: Anine Ungerer

Physical Address

Design House, 121 Amkor Road, Centurion, 0157, South Africa
Tel: +27 (0) 12 664 1622
Fax: +27 (0) 86 537 8517
Email: Linda.Duursema@tcd-global.com
Email: Anine.Ungerer@tcd-global.com
Email: DataProtection@TCD-Global.Com

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 5 of 18

1.5 Policy with regard to Confidentiality and Access to Information

TCD will protect the confidentiality of information provided to it by third parties (OP-GM-03, PC-GM-01, PC-GM-05), subject to TCD's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, TCD is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether or not access should be granted.

1.6 TCD website visitors

- TCD collects Personal Information of visitors to TCD website, <https://www.tcd-global.com/>, where such Personal Information is voluntarily disclosed by the visitor to enable TCD to provide feedback on a request from such visitor (PC-GM-07).
- Using cookie-based technologies, TCD may collect various data linked to virtual identities allocated to visitors when they access TCD's website. This data is used for various purposes, including site analytics and first party marketing. In certain cases, these virtual identities are linked to the real-world identities of visitors only when they choose to provide their Personal Information (PC-GM-05).
- TCD's website, <https://www.tcd-global.com/>, uses cookies to improve and optimise the experience of a user. Cookies are small text files that are placed on the computer, smartphone, or other device when accessing the internet. Cookies are used to:
 - Ensure that web pages can function properly;
 - Know your navigation and user experience;
 - Collect anonymous statistical information, such as which sections have been visited, and how long a person has been in the TCD environment;


Note: It is possible to modify and/or block the installation of cookies sent by the website of TCD, however, the quality of the operation of the services may be affected.

1.7 Guidance to Requestors on how to use the Act

The Information Regulator is required in terms of section 10 of the Act to update and make available the existing guide that has been compiled by the South African Human Rights Commission ("SAHRC") or its successor or a body nominated in writing by it in its stead, that contains information to assist a person wishing to exercise a right in terms of PAIA and the Protection of Personal Information Act 4 of 2013 ("POPI Act" and/or "POPIA") for

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	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 6 of 18

requestors. It contains information to assist a person wishing to exercise a right in terms of the Act.

The SAHRC guide is available from the SAHRC website:
<https://www.sahrc.org.za/> or from the Information Regulator:
<https://www.justice.gov.za/inforeg/docs.html>.

You may also request any additional information to assist you in making a request from the SAHRC and/or the Information Regulator.

Please direct any queries to: The Information Regulator (South Africa)

Physical Address: JD House, 27 Stiemens Street,
Braamfontein, Johannesburg, 2001.

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017.

Tel: +27 (0)11 877 3600 (Head Office) Fax: +27 (0)864100149

Email for complaints: complaints.IR@justice.gov.za.

Email for general enquiries: inforeg@justice.gov.za.

Website: <https://www.justice.gov.za/inforeg/contact.html>.

2.0 TCD group structure

2.1 Scope

This Manual has been prepared in respect of the TCD Group of Companies, which includes related entities and/or wholly owned subsidiaries (as applicable).

The scope of this Manual will serve to provide a reference regarding the records held by TCD at its Registered Office and other applicable business premises.

2.2 TCD Group of Companies Profile and Structure

TCD is a global Contract Research Organisation (CRO) headquartered in Centurion, Gauteng, South Africa, providing clinical development services.

TCD clients include multinational pharmaceutical companies and CROs, smaller innovative biotech, pharma and generic companies, academic institutions and donor-funded research foundations and institutes.


Additional information on TCD is available on the website <https://www.tcd-global.com/>.

3.0 Key definitions and clarifications

Cookies: A small text file (up to 4KB) created by a website that is stored in the user's computer either temporarily for that session only or permanently on the hard disk

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 7 of 18

(persistent cookie). Cookies provide a way for the website to recognise you and keep track of your preferences.

Data: Information, facts and statistics used for reference or analysis in electronic form.

Data Subject: The person to whom the personal information relates.

Information Officer (IO): The Chief Executive Officer or equivalent officer or his/her designee. For purposes of this Manual, Dr Linda Duursema of Triclinium Clinical Development (Pty) Ltd (TCD) has been appointed as the Information Officer of TCD, to which requests for information in terms of the Act, should be addressed. The appointed Deputy Information Officer (DIO) is the Designee of the IO and will assist with duties and responsibilities as assigned, on request.

Information Regulator: An independent body established in terms of Section 39 of POPIA, empowered to monitor and enforce compliance by public and private bodies with the provisions of POPIA. “Regulator” will have a corresponding meaning.


Personal Information: Information relating to an identifiable, living natural person, and where it is applicable, and identifiable, existing juristic person, including, but not limited to (a) information relating to the race, gender sex, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture or employment history of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views, or preferences of the person; (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the content of the original correspondence; (g) the views or opinions of other individuals about the person; and (h) 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. “Personal Data” has a corresponding meaning. Without limiting the generality of the foregoing, Personal Information must always be treated as Confidential Information, even after the individual’s death. It should be noted that Personal Information which has undergone Pseudonymisation and/or was de-identified, and which can be attributed to a Data Subject by the use of additional information and/or deidentified, should be considered as Personal Information.

4.0 Templates

ML-GM-02 v00 TPL-1.0: Request for Access to a Record

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 8 of 18

Note: The template is similar to J753 / Form C on the website of the Information Regulator and should be deemed as a guidance note. If preferred, the requestor may use the form, available on the website of the Information Regulator. For a Notice of Internal Appeal and/or Request for access to automatically available records the forms available at <https://www.justice.gov.za/infoereg/docs.html> should be used.

5.0 Related Documents

- OP-GM-03: Confidentiality of Information
- OP-IT-01: Security, Management and Use of Information Technology
- OP-PM-10: Retention and Archiving of Trial Documents and Data
- PC-GM-01: Code of Conduct
- PC-GM-05: Privacy, Security and Protection of Personal Information
- PC-GM-07: Privacy Policy
- WI-GM-01: Good Documentation Practice

6.0 Classes of Records

6.1 Automatic Disclosure: Records automatically available to the Public

No notice has been published in terms of section 52 of PAIA. However, the following records are automatically available at the registered office of TCD on payment of the prescribed fee for reproduction:

- Documentation and information relating to TCD which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008.
- Product and Promotional Brochures.
- News and other marketing Information.
- The annual integrated report and any other shareholder communications as published on TCD's website.


6.2 Legislative requirements: Records available in accordance with other legislations

Records are kept in accordance with such other legislations as applicable to the TCD Group, which includes, but is not limited to:

- Allied Health Professions Act (Act No. 63 of 1982), as amended.
- Arbitration Act No 42 of 1965, as amended.
- Banks Act 94 of 1990, as amended.
- Basic Conditions of Employment Act 75 of 1997, as amended.
- Broad-Based Black Economic Empowerment Act 53 of 2003, as amended.
- Civil Proceedings Evidence Act, 1965 (Act 25 of 1965), as amended.
- Companies Act 71 of 2008, as amended.

TCD CONFIDENTIAL AND PROPRIETARY


Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 9 of 18

- Compensation for Occupational Injuries and Diseases Act 130 of 1993 (Section 97), as amended.
- Competition Act 89 of 1998, as amended.
- Constitution of South Africa Act 108 of 1996, as amended.
- Consumer Affairs (Unfair Business Practices Act) 71 of 1998, as amended.
- Copyright Act 98 of 1987, as amended.
- Consumer Protection Act 68 of 2008, as amended.
- Credit Agreements Act No 75 of 1980, as amended.
- Criminal Procedure Act 51 of 1977, as amended.
- Currency and Exchanges Act 9 of 1933, as amended.
- Customs and Excise Act, No. 91 of 1964, as amended.
- Debt Collectors Act 114 of 1998, as amended.
- Electronic Communications and Transactions Act 25 of 2002, as amended.
- Employment Equity Act 55 of 1998, as amended.
- Ethics in Health Research: Principles, Structures and Processes. Research Ethics Guidelines, published by the Department of Health (2nd edition, 2015).
- European Union (EU) General Data Protection Regulation (2016/679), as amended.
- Finance Act 2 of 2007, as amended.
- Finance Act No. 35 of 2000, as amended.
- Financial Advisory and Intermediary Services Act 37 of 2002, as amended.
- Financial Intelligence Centre Act No. 38 of 2001, as amended.
- Financial Institutions (Protection of Funds) Act 28 of 2001, as amended.
- Financial Markets Control Act No. 55 of 1989, as amended.
- Financial Relations Act No. 65 of 1976, as amended.
- Financial Services Board Act No. 97 of 1990, as amended.
- Firearms Control Act 60 of 2000, as amended.
- Harmful Business Practices Act No. 23 of 1999, as amended.
- Health Professions Act (Act No. 56 of 1974), as amended.
- ICH E6(R2): Integrated Addendum to ICH E6(R1): Guideline for Good Clinical Practice (2016), and subsequent updates.
- Immigration Act 13 of 2002, as amended.
- Income Tax Act 58 of 1962 (Section 75), as amended.
- Insider Trading Act 135 of 1998, as amended.
- Inspection of Financial Institutions Act 80 of 1998, as amended.
- Insolvency Act 24 of 1936, as amended.
- Insurance Act 27 of 1943, as amended.
- Intellectual Property Laws Amendments Act No. 38 of 1997, as amended.

TCD CONFIDENTIAL AND PROPRIETARY


Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 10 of 18

- ISO 14155: Clinical Investigation of Medical Devices for human subjects – Good Clinical Practice (2011), and subsequent updates.
- Labour Relations Act 66 of 1995, as amended.
- Long Term Insurance Act 52 of 1998, as amended.
- Magistrates Court Act 32 of 1944, as amended.
- Medical Schemes Act, No. 131 of 1998, as amended.
- Medicines and Related Substances Act (Act No. 101 of 1965), as amended.
- National Health Act (Act No. 61 of 2003), as amended.
- National Payment Systems Act 78 of 1998, as amended.
- Non-Profit Organisations Act 71 of 1997, as amended.
- Occupational Health and Safety Act 85 of 1993, as amended.
- Patents Act 57 of 1987.
- Pension Funds Act 24 of 1956 (and regulations) as amended.
- Pharmacy Act (Act No 88 of 1974), as amended.
- Policyholder Protection Rules.
- Post Office Act No. 44 of 1958.
- Prescription Act No. 68 of 1969.
- Prevention of Organised Crime Act 14 of 1998.
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
- Promotion of Access to Information Act 2 of 2000 (PAIA), as amended.
- Protection of Information Act, No. 84 of 1982.
- Protection of Personal Information Act no 4 of 2013 (POPIA), as amended.
- Regional Services Councils Act, Nr. 109 of 1985.
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002.
- South African Good Clinical Practice: Clinical Trial Guidelines. Third edition, 2020. Department of Health, South Africa, and subsequent updates.
- South African Guide to Good Manufacturing Practice for Medicines (Version 6, December 2017).
- SA Reserve Bank Act No. 90 of 1989.
- Securities Services Act 36 of 2004.
- Short Term Insurance Act. 53 of 1998.
- Skills Development Act 97 of 1998.
- Skills Development Levies Act 97 of 1999.
- South African Revenue Service Act 34 of 1997.
- South African Qualifications Authority Act.
- Statistics Act 6 of 1999.

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 11 of 18

- Tax on Retirement Funds Act No 38 of 1996.
- Trade Marks Act 194 of 1993.
- Unemployment Contributions Act No. 4 of 2002.
- Unemployment Insurance Act 63 of 2001.
- United Kingdom Data Protection Act (2018), as amended.
- United States Privacy Act of 1974, as amended.
- Value Added Tax Act 89 of 1991 (Section 65).

Although TCD has used its best endeavours to provide a list of applicable legislations it is possible that the above list may be incomplete.

Whenever it comes to TCD's attention that existing or new legislation allows a requestor access on a basis other than that set out in the Act, the list will be updated accordingly.

6.3 Records held by TCD Group: TCD Record Subjects and Categories

6.3.1 Corporate Affairs and Investor Relations/Communications

- Media Releases.
- Newsletters and Publications.
- Corporate Social Investment.
- Public Corporate Records.
- Stock Exchange News Services (SENS) releases.

6.3.2 Corporate Secretariat and Governance


- Applicable Statutory Documents.
- Annual Reports.
- Board of Directors and Board Committee Terms of Reference.
- Code of Conduct.
- Executive Committee Meeting Minutes.
- Legal Compliance Records.
- Memoranda of Incorporation.
- Minutes of Board of Directors and Board Committee Meetings.
- Minutes of Shareholders' Meetings.
- Group Policies and Procedures.
- Share Certificates.
- Shareholder Agreements.
- Share Registers.
- Strategic plans.
- Statutory Returns to Relevant Authorities.

6.3.3 Finance and Taxation

- Policies and Procedures.

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 12 of 18

- Accounting Records.
- Annual Financial Statements.
- Audit Reports.
- Capital Expenditure Records.
- Investment Records.
- Invoices and Statements.
- Management Reports.
- Purchasing Records.
- Sale and Supply Records.
- Tax Records and Returns.
- Treasury Dealing.
- Transactional Records.

6.3.4 Human Resources

- Education and Training Records.
- Employee Benefit Records.
- Employment Contracts.
- Employment Equity Records.
- Employee Information.
- Employee Share Option Scheme.
- Policies and Procedures.
- Group Life.
- Leave Records.
- Medical Records.
- Pension and Retirement Funding Records.
- Study assistance scheme/s.
- Tax Returns of employees.
- Unemployment Insurance Fund (UIF) Returns.

6.3.5 Information Technology


- Agreements.
- Disaster Recovery.
- Hardware and Software Packages.
- Policies and Procedures.
- Internal Systems Support and Programming.
- Licenses.
- Operating Systems.

6.3.6 Intellectual Property

- Trademark applications.
- Agreements relating to intellectual property.

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 13 of 18

- Copyrights.

6.3.7 Legal

- Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation.
- Material licenses, permits and authorisations.

6.3.8 Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material.
- Client Information.
- Marketing Brochures.
- Marketing Strategies.
- Product Brochures.
- Policies and Procedures.

7.0 Processing of Personal Information in terms of the POPI Act

7.1 TCD processes Personal Information of Data Subjects


- Fulfilling its statutory obligations in terms of applicable legislation.
- Verifying information provided to TCD.
- Obtaining information necessary to provide contractually agreed services to a Sponsor/Client/Customer.
- Monitoring, maintaining and managing TCD's contractual obligations to customers, clients, suppliers, vendors/service providers, employees, directors and other third parties.
- Marketing and advertising.
- Resolving and tracking complaints.
- Monitoring and securing the assets, employees and visitors to the premises of TCD.
- Document retention and archiving, historical record keeping in accordance with appropriate documentation practices, research and recording statistics necessary for fulfilling TCD's business objectives and contractual obligations (WI-GM-01, OP-PM-10).

7.2 TCD may process the Personal Information of the following categories of Data Subjects, which includes current, past and prospective Data Subjects

- Sponsors/vendors and employees, representatives, agents, contractors and service providers of such sponsors and/or vendors.
- Suppliers, service providers to and vendors of TCD and employees, representatives, agents, contractors and service providers of such suppliers and service providers.
- Directors and officers of TCD.

TCD CONFIDENTIAL AND PROPRIETARY

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	Procedural Document number: ML-GM-02
	Version number: 00
Manual	Previous reference number: NA
	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 14 of 18

- Shareholders.
- Job applicants.
- Existing and former employees (including contractors, agents, temporary and casual employees).
- Visitors to any TCD premises.
- Complaints, correspondence and enquiries.

7.3 The nature of Personal Information processed in respect of the above Data Subjects may include, as may be applicable


- Name, surname, identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- Biometric information for security purposes and/or to perform contractual obligations (applicable to permanent TCD employees only).
- Information relating to the education or the medical, financial, criminal or employment history of the data subject.
- Information relating to the race, gender, marital status, national origin, age, disability, language and birth of the data subject.
- The personal opinions, views or preferences of the data subject.
- Confidential correspondence sent by the data subject.
- The views or opinions of another individual about the data subject.

7.4 TCD may supply Personal Information to the following recipients

- Regulatory, statutory and government bodies.
- Sponsors, suppliers, service providers, vendors, agents and representatives of TCD.
- Employees of TCD.
- Shareholders and other stakeholders.
- Third party verification agencies and credit bureau.
- Authorised collection agencies.
- Banks and other financial institutions.

7.5 Planned or prospective transborder flow of Personal Information processed by TCD in respect of the above categories of Data Subjects

Personal Information of Data Subjects may be transferred across borders due to the hosting of some TCD and/or sponsors/vendors infrastructure and application in foreign jurisdictions. Current employees and consultants' information may also be transferred transborder where TCD has a physical presence or may be providing services or performing in terms of its contractual obligations.

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 15 of 18

7.6 Security measures implemented or to be implemented by TCD to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by TCD

TCD continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the Personal Information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures which apply to TCD (OP-IT-01).

8.0 Access Procedure and Requests

The purpose of this section is to provide requestors with sufficient guidelines and procedures to facilitate a request for access to a record held by TCD.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of PAIA. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 (more specifically sections 62 – 70) of PAIA.

If it is reasonably suspected that the requestor has obtained access to the TCD Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requestor.


8.1 Guidance on Completion of Prescribed Access Form: Section 51

In order for TCD to facilitate your access to a record you need to complete the attached prescribed access form "Request for Access to a Record" (ML-GM-02 v00 TPL-1.0) or the similar forms as available on the website of the Information Regulator. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. TCD will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the "Request for Access to a Record" because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in the English language.
- Proof of identity is required to authenticate the requestors identify. If the requestor acts as an agent requestor, the requestor shall provide proof of the identity of the person on whose behalf the request is made, the

TCD CONFIDENTIAL AND PROPRIETARY

Printed copies are for personal reference only and not official versions of Procedural Documents

	Procedural Document number: ML-GM-02
	Version number: 00
	Previous reference number: NA
Manual	Approval date: 2021-Jun-30
Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 16 of 18

authority or mandate given to the requestor by such person and proof of the identity of the requestor as provided above.

- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question, state “nil” in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

8.2 Submission of Prescribed Access Form

The completed Access Request Form must be submitted either via conventional mail, email or fax and must be addressed to the Information Officer.

Note: The preferred method of submission is email delivery with an automatic transmission and delivery report and/or hand/courier delivery to TCD’s main office with a delivery receipt/acknowledgment request.

8.3 Payment of Prescribed Fees


Payment details can be obtained from the Information Officer and payment can be made either via an electronic fund transfer (EFT) or a direct deposit (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- **Request fee:** An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requestors, referring to any person seeking access to records that contain their personal information.
- **Reproduction fee:** This fee is payable with respect to all records that are automatically available.
- **Access fee:** If the request for access is successful an access fee may be required to re-imburse TCD for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- **Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if TCD receives a request for access to information held on a person other than the requestor himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requestor.

Note: Refer to Section 10.0 for additional detail.

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	Procedural Document number: ML-GM-02
	Version number: 00
Manual	Previous reference number: NA
Title: Promotion of Access to Information Manual	Approval date: 2021-Jun-30
	Effective date: 2021-Jul-28
	Page 17 of 18

8.4 Notification

TCD will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which TCD has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of TCD and the information cannot reasonably be obtained within the original thirty (30) day period. TCD will notify the requestor in writing should an extension be sought.

If the request for access to a record is successful, the requestor will be notified of the following:

- The amount of the access fee payable upon gaining access to the record.
- An indication of the form in which the access will be granted.
- Notice that the requestor may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful the requestor will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal).
- That the requestor may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

8.5 Records that cannot be found or do not exist

If TCD has searched for a record and it is believed that the record either does not exist or cannot be found, the requestor will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

9.0 Grounds for Refusal of Access to Records and Appeal


9.1 Grounds for Refusal: Chapter 4

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in PAIA, shall commence only once a requestor has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

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Title: Promotion of Access to Information Manual	Effective date: 2021-Jul-28
	Page 18 of 18

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of commercial information of a third party or TCD, if the record contains:
 - Trade secrets of the third party or TCD;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or TCD;
 - Information disclosed in confidence by a third party to TCD if the disclosure could put that third party to a disadvantage or commercial competition;
 - Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
 - Mandatory protection of the safety of individuals, and the protection of property;
 - Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived;
 - Mandatory protection of research information of a third party and of TCD.

9.2 Appeal

If a requestor is aggrieved by the refusal of the Information Officer to grant a request for a record, the requestor may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

10.0 Prescribed Fees: Section 92

The prescribed fees will be reviewed frequently in accordance with the notice as published by the Minister in the Gazette and/or the regulations published by the Information Regulator and therefore TCD reserves the right to provide you with a written notice of any changes in the Prescribed Fees in the event that such a change becomes effective on a date prior to the review/amendment of this Manual.

DOCUMENT HISTORY

ML-GM-02 v00

Effective date: 2021-Jul-28

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REQUEST FOR ACCESS TO A RECORD



Request for Access to a Record of a Private Body in Terms of Sec 53(1) of The Promotion of Access to Information Act 2 of 2000 – Regulation 10 (Form C).

1. Particulars of Private Body requesting access to the record.

Details of Requestor	Not applicable <input type="checkbox"/>
Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	
Website address	

2. Particulars of an individual person requesting access to the record.

- The particulars of the person who requests access to the record must be recorded below.
- Furnish an address and/or email address in the Republic of South Africa to which information must be sent.
- Proof of identity is required from both the requestor and any person or any party acting on behalf of the requestor. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requestor or the requestor's representative before the request will be processed.
- If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request.

Details of Requestor	Not applicable <input type="checkbox"/>
Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
E-mail address	

If a request is made on behalf of another person the requestor is obliged to identify him/herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

3. Particulars of person on whose behalf request is made

Details of Requestor	Not applicable <input type="checkbox"/>
Surname	
Name	
Identity number	

4. Particulars of record

- 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 folio and attach it to this form. The requestor must sign all the additional folios.
- The requestor’s attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):
- Mandatory protection of the privacy of a third party who is a natural person (human being);
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of commercial information of third party;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of a private body;
- Mandatory protection of research information of a third party and a private body.

Description of Record and/or Part of Record

Category	Description of record

Notes to Particular of record:

- Your indication as to the required form of access depends on the form in which the record is available.
- Access to the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark all appropriate:	
If the record is in written or printed form -	<input type="checkbox"/> Copy of record* <input type="checkbox"/> Inspection of record
If record consists of visual images (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	<input type="checkbox"/> View the images <input type="checkbox"/> Copy of the images* <input type="checkbox"/> Transcription of the images*
If the record consists of recorded words or information which can be reproduced in sound:	<input type="checkbox"/> Listen to the soundtrack (audio cassette) <input type="checkbox"/> Transcription of soundtrack* (written or printed document)
If the record is held on computer or in an electronic or machine-readable form:	<input type="checkbox"/> Printed copy of record* <input type="checkbox"/> Printed copy of information derived <input type="checkbox"/> Copy in computer readable format*
Do you wish the copy or transcription to be posted to you? <i>Note: If you requested a copy or transcription of a record (above), a postal fee is payable.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

* *Note: If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requestor must sign all the additional folios.*



5. Fees

- A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee (currently R57.00 including VAT) has been paid.
- If the prescribed request fee is amended you will be notified of the amount required to be paid as the request fee.
- 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.
- If you qualify for exemption of the payment of any fee, please state the reason therefore.

The requestor qualifies for an exemption in payment of fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Reason		

6. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.	
Disability:	
Form in which record is required?	

7. Details of the right to be exercised and/or protected.

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

** Note: If the provided space is inadequate please continue on a separate folio and attach it to this form. The requestor must sign all the additional folios.*

8. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

REQUEST FOR ACCESS TO A RECORD



How would you prefer to be informed of the decision regarding your request for access to the record?

9. Signatures

Signed at _____ this _____ day of _____ 20____

Signature of Requestor
(*sign & print name*)

Signature of Representative
(*sign & print name*)