



PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

MANUAL OF ILEX SOUTH AFRICA (PTY) LTD

Prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended).

Last updated: December 2020



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A handwritten signature in black ink, consisting of a stylized, cursive 'S' followed by a flourish.

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1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) seeks to give effect to the constitutional right to access information as specified in section 32 of the Constitution. PAIA seeks to advance the values of transparency and accountability.

PAIA establishes several statutory rights of requesters to access records of a private body if:

- the record is required for the exercise or protection of any rights;
- the requester complies with all of the procedural requirements; and
- access is not refused in terms of any ground referred to in PAIA.

One of the requirements specified in PAIA, is the compilation of an information manual that provides information, including the types and categories of records, held by a private body and which may, subject to compliance with the procedural requirements, be subject to access by a requester.

Until 31 December 2020, Ilex South Africa (Pty) Ltd was, in accordance with various exemptions granted by the Department of Justice and Constitutional Development, exempted from complying with the aforementioned requirement to compile an information manual as specified in section 51 of PAIA. This exemption persists until 31 December 2020.

2. SCOPE AND PURPOSE OF THE MANUAL

The scope of this manual relates solely to Ilex South Africa (Pty) Ltd (hereinafter “**the Company**”), a private company within the purview of section 1 of the Companies Act 71 of 2008.

This document serves as the Company's information manual and provides reference to the records held by the Company.

3. ABOUT THE COMPANY

The Company is a major supplier of in vitro diagnostic products in South Africa, with a particularly strong emphasis on blood banks.

The Company has a proud heritage, having been established in 1992 as a wholly-owned subsidiary of Ilex Medical Limited.

The Company's headquarters are based in Woodmead, Gauteng, with local offices in the Western Cape, KwaZulu Natal and the Eastern Cape.

Further general information on the Company, its products, operations and activities are available on the website: www.ilex.co.za.

4. AVAILABILITY OF THE MANUAL

This manual is available for inspection on the Company's website at www.ilex.co.za and during ordinary business hours at the office of the Company at 19 Polo Crescent, Van Reenen Avenue, Woodmead Office Park, Woodmead, Gauteng, South Africa.

5. CONTACT PERSON – INFORMATION OFFICER – SECTION 51(1)(a)

The responsibility for the administration of, and compliance with PAIA, is the head of body, as defined in section 1 of PAIA, and being the General Manager of the Company.

Requests pursuant to the provisions of PAIA should be directed as follows:

Information Officer: General Manager (Mr JC Stoltz)

Postal address: P.O Box 5673, Rivonia, 2128, Gauteng, South Africa
Street address: 19 Polo Crescent, Van Reenen Avenue, Woodmead Office Park,
Woodmead, Gauteng
Business phone: (011) 804-4004
Business fax: (011) 804-1120
E-mail address: jc@ilex.co.za

6. HUMAN RIGHTS COMMISSION – SECTION 51(1)(b)

A guide has been compiled in terms of section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by PAIA. It is available in all of the official languages.

The guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Gauteng, South Africa and on its website at www.sahrc.org.za.

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC – SECTION 51(1)(c)

No notice has been published pursuant to section 51(1)(c), regarding the categories of records which are automatically available without having to request access in terms of PAIA.

8. RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION – SECTION 51(1)(d)

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Records are available in terms of the legislation detailed in **Annexure 3** to this manual (as amended from time to time); however, due to the number of laws applicable to the Company, the list of legislation may not be exhaustive.

Note that the information will only be provided in accordance with the requirements stipulated in the relevant pieces of legislation. If a requester believes that a right to access a record exists in terms of the legislation above, or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

9. CATEGORIES AND SUBJECT OF RECORDS – SECTION 51(1)(e)

The information contained in this section is intended to identify the main categories of records held by the Company and to help the requester gain a better understanding of the main business activities of the Company. Further assistance in identifying the records held by the Company is obtainable from the Information Officer.

Records to which access will be provided in accordance with PAIA (subject to the restrictions and right of refusal to access provided for in PAIA) are available in respect of the following non-exhaustive aspects of the Company's business and operations:

COMPANY RECORDS

- Documents of incorporation;
- Memorandum and Articles of Association or Memorandum of Incorporation (as applicable);
- Records relating to the appointment of directors and auditors;
- Records pertaining to company officers; and
- Records pertaining to statutory committees.

FINANCIAL RECORDS

- Annual financial statements;
- Tax returns;
- Accounting records;
- Banking records;

- Bank statements;
- Electronic banking records;
- Asset register;
- Audit records;
- Rental agreements;
- Invoices (customer and supplier);
- Customs records;
- BEE certificates; and
- Pricing agreements.

INCOME TAX RECORDS

- PAYE records;
- All tax certificates issued to employees, including, but not limited to, IRP 5 certificates;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliance records, including:
 - Value Added Tax;
 - Skills Development Levies;
 - Unemployment Insurance Fund; and
 - Workmen's Compensation.

PERSONNEL/EMPLOYEE DOCUMENTS AND RECORDS

- Employment contracts;
- Employment equity plan;
- Medical aid records;
- Pension fund records;
- Disciplinary records;
- Salary records;
- SETA records;
- Human Resources policies and procedures;
- Leave records;

- Training records; and
- Training manuals.

SAFETY, HEALTH AND ENVIRONMENT RECORDS

- Occupational Health and Safety (hereinafter “OHS”) policy and procedures;
- Mandatory OHS records; and
- OHS audit records.

INFORMATION TECHNOLOGY RECORDS

- Information Technology policy and procedures;
- Service records;
- Product and assets records; and
- Audit records.

REGULATORY AND COMPLIANCE RECORDS

- ISO 13485 policies and procedures;
- Audit records;
- Training records;
- Training manuals;
- Complaint and monitoring records;
- Regulatory and compliance reporting records; and
- Regulatory licenses.

10. ACCESS REQUESTS

10.1. ACCESS REQUEST PROCEDURE – SECTION 53

10.1.1. COMPLETION OF ACCESS REQUEST FORM

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the access request form:

- The access request form, attached as **Annexure 1** hereto, must be completed.

- Proof of identity (no older than three months) is required to authenticate the identity of the requester. In addition to the access request form, requesters will be required to supply a certified copy of their identification document or valid passport document, or if the requester is a legal entity, a certified copy of the company registration certificate.
- 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 the printed form, additional information may be provided of an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.
- **Please note** that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record(s). An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Chapter 4 of PAIA. If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, the Company reserves its rights to institute legal action against the requester.

10.1.2. SUBMISSION OF ACCESS REQUEST FORM

The completed access request form, together with a certified copy of the requester’s certified identity document, must be addressed to the Information Officer and submitted via the contact details stated in paragraph 5 as indicated above.

10.1.3. PAYMENT OF FEES

Payment details can be obtained from the Information Officer indicated in paragraph 5 above, and can be made via direct deposit.

If the request for access is successful, an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the prescribed fees as specified in **Annexure 2** hereto. The access fee must be paid prior to access being given to the requested record.

10.1.4. NOTIFICATION – SECTION 56

The Information Officer will, within 30 (thirty) 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 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or if the request requires a search for information held at other offices and the information cannot reasonably be obtained within the original 30 (thirty) day period. The requester will be notified in writing should an extension be sought.

10.2. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS – CHAPTER 4

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, and which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;

- Information disclosed by a third party to the Company if the disclosure could put the third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The commercial activities of the Company, which may include:
 - Trade secrets of the Company; and/or
 - Financial, commercial, scientific or technical information which, if disclosed, would likely cause harm to the financial or commercial interests of the Company.

11. APPEAL AGAINST REFUSAL TO GRANT ACCESS

The Company does not have internal appeal procedures pertaining to PAIA requests.

A requester that is dissatisfied with the Information Officer's refusal to disclose information may, in accordance with section 82 of PAIA, apply to a court with appropriate jurisdiction for relief.

A third party that is dissatisfied with the Information Officer's decision to grant a request for information may similarly apply to a court with appropriate jurisdiction for relief.

ANNEXURE 1

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be *notified of* the amount required to be paid as the request fee.
- (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 for exemption from payment of fees:

F. 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
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Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in 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.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

	copy of		inspection of record
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2. If record consists of visual images

This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	view the images		copy of the images"	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	listen to the soundtrack		transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

	printed copy of record*		printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)
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'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G Particulars of right to be exercised or protected

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

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

H. 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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at..... This..... day of
.....20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE



ANNEXURE 2

PRESCRIBED FEES

PLEASE NOTE THAT ALL AMOUNTS LISTED ARE INCLUSIVE OF VALUED-ADDED TAX

Regulation 11(1)

- (a) For every photocopy of an A4-size page or part thereof R1.10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form R0.75
- (c) For a copy in a computer-readable form on compact disc R70.00
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40.00
(ii) For a copy of visual images R60.00
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20.00
(ii) For a copy of an audio record R30.00

Regulation 11(3)

- (a) For every photocopy of an A4-size page or part thereof R1.10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form R0.75
- (c) For a copy in a computer-readable form on compact disc R70.00
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40.00
(ii) For a copy of visual images R60.00
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20.00
(ii) For a copy of an audio record R30.00
- (f) To search for and prepare the record for disclosure or part thereof - R30.00 for each hour or part thereof reasonably required for such search and preparation
- (g) Six hours of searching to be exceeded before a deposit is payable
- (h) One third of the access fee is payable as a deposit by the requester
- (i) The actual postage fee is payable when a copy of a record must be posted to a requester

ANNEXURE 3

Records held in accordance with other legislation – section 51(1)(d)

Records are available in terms of the following legislation, as amended from time to time:

Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act 19 of 2006

Basic Conditions of Employment Act 75 of 1997

Companies Act 61 of 1973

Companies Act 71 of 2008

Compensation for Occupational Injuries and Diseases Act 130 of 1993

Competition Act 89 of 1998

Consumer Protection Act 68 of 2008

Customs and Excise Act 91 of 1964

Customs and Excise Amendment Act 32 of 2014

Customs Control Act 31 of 2014

Customs Duty Act 30 of 2014

Electronic Communications and Transactions Act 25 of 2002

Employment Equity Act 55 of 1998

Income Tax Act 58 of 1962

Labour Relations Act 66 of 1995 (and Amendment Act)

Medicines and Related Substances Act 101 of 1965 (and Amendment Act and Regulations)

National Credit Act 34 of 2005

Occupational Health and Safety Act 85 of 1993

Promotion of Access to Information Act 2 of 2000

Protection of Personal Information Act 4 of 2013

Interception of Communications and the Provisions of Communication Related to Information Act 70 of 2002

Skills Development Act 97 of 1998

Skills Development Levies Act 9 of 1999

Unemployment Insurance Contributions Act 4 of 2002

Value-Added Tax Act 89 of 1991

PLEASE NOTE: Whilst all reasonable endeavours have been made to provide a complete list of applicable legislation above, it is possible that the above list may be incomplete. Wherever it comes to the Company's attention that existing or new legislation allows a requester access on a basis other than that set out in PAIA, the above list will be updated.

APPROVAL OF MANUAL

This Manual was approved by the General Manager of Ilex South Africa (Pty) Ltd, JC Stoltz,
on 21 December 2020.

SIGNED at JOHANNESBURG on this 21st day of December 2020.



JC STOLTZ