



***Inspiring responsible and
ethical research capacity
in and for Africa***

ACCESS TO INFORMATION MANUAL

As required by Section 52 of the Promotion of Access to Information Act 2 of 2000

(The Promotion of Access to Information Act, 2000 is a freedom of information law in South Africa. It gives the constitutional right of access to any information held by the State and any information held by private bodies that is required for the exercise and protection of any rights).

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1. INTRODUCTON

EthiXPERT aims to build responsible and ethical research capacity in and for Africa. Research Ethics is fundamental for health, quality of life and social development. To this end, EthiXPERT is devoted to build capacity in responsible conduct of research by providing training and developing relevant tools to facilitate knowledge and skills development to health and social research stakeholders in Africa, including research institutions, institutions of higher learning, researchers, research integrity officers, research ethics committees and research administrators, among others. We acknowledge that research is dynamic, expensive and competitive. As such, no single individual, organisation or government can single-handedly realize the desired optimal health standards, quality of life and social development without the support of other institutions and the society at large. EthiXPERT therefore wishes to partner with relevant role players including decision-makers, research institutions, implementing agencies and funding organisations to identify important research gaps and to develop and deliver sustainable and culturally acceptable evidence-based solutions.

2. COMPANY DETAILS

In terms of Section 51 (1)(a), the company's details are as follows –

Registration Number	2018/289583/08
Postal Address	PO Box 53264, Wierda Park, 0149
Telephone Number	+27 (0) 82 374 2390
Facsimile Number	N/A
General contact e-mail address for the company	info@ethixpert.org.za
E-mail address for the head of the company	Retha@ethixpert.org.za
Website address	www.ethixpert.org.za

3. HUMAN RIGHTS COMMISSIONS GUIDE

In terms of Section 10 of the Promotion of Access to Information (PROATIA), the South African Human Rights Commission (“SAHRC”) is required to compile a guide in each official language, containing information for any person who wishes to exercise any right contemplated in PROATIA. Please direct any queries to:

The South African Human Rights Commission:

PROATIA Unit

The Research and Documentation Department

Postal Address: Private Bag X2700
Houghton
2041

Telephone: +27 11 484 8300

Facsimile +27 11 484 0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

4. RECORDS OF EthiXPRT

A description of the records held by the company, as required by Section 51(1)(e) of PROATIA, is set out in the Description of Records Table which is attached to this manual as Annexure A.

5. REQUEST FOR ACCESS TO A RECORD

In order to comply with our obligations in terms of PROATIA the Company has authorised and designated an Information Officer to deal with all matters relating to PROATIA. In order to request access to a record please complete the Request for Access Form which is available at www.sahrc.org.za and submit it to the company at its physical address, its facsimile number or general contact e-mail address provided above.

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of EthiXPRT. This request must be made to the address or e-mail address of the body concerned (Section 53(1)).

- The requester must provide sufficient detail on the Request Form to enable the head of EthixPERT to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed (Section 53(2)(a) and (b) and (c)).
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right (Section 53(2)(d)).
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body (Section 53(2)(f)).

However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

6. OTHER LEGISLATION APPLICABLE TO EthixPERT

In terms of Section 51 (1)(c) the Company may hold information in accordance with the following legislation:

1. Arbitration Act No. 42 of 1965
2. Auditing Profession Act, 26 of 2005
3. Banks Act No. 94 of 1990
4. Basic Conditions of Employment No. 75 of 1997
5. Companies Act No. 61 of 1973
6. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
7. Constitution of the Republic of South Africa of 1996
8. Currency and Exchanges Act No. 9 of 1933
9. Cybercrimes Act 19 of 2020
10. Electronic Communications and Transactions Act 25 of 2002
11. Employment Equity Act No. 55 of 1998
12. Income Tax Act No. 95 of 1967
13. Labour Relations Act No. 66 of 1995
14. Long Term Insurance Act No. 52 of 1998
15. Occupational Health & Safety Act No. 85 of 1993
16. Pension Funds Act No. 24 of 1956
17. SA Reserve Bank Act No. 90 of 1989
18. Short term Insurance Act No. 53 of 1998
19. Skills Development Act No. 97 of 1998
20. Unemployment Contributions Act No. 4 of 2002
21. Unemployment Insurance Act No. 63 of 2001
22. Value Added Tax Act No. 89 of 1991

7. OTHER INFORMATION AS MAY BE PRESCRIBED

The Minister of Justice and Constitutional Development has not made any regulations in terms of Section 51(f) of the Act.

8. DECISION REGARDING REQUEST

PROATIA provides for numerous grounds upon which the company may refuse to grant you access to a record of the company. These grounds for refusal are to protect –

- The privacy of another person
- Commercial information of another company
- Confidential information of another person
- The safety of individuals and property
- Records privileged from production in legal proceedings
- Research information

Notification, in writing, whether the request has been approved or denied will be submitted within 30 calendar days after EthiXPERT has received the completed Request for Access Form. Should any record of the company requested by you not be found or not exist, the company will, by way of affidavit, notify you that it is not possible to give access to that particular record.

9. ACCESS TO RECORDS

If your request for access to records of the company is approved, access will be provided in the form as the company reasonable determine, unless you have requested access in a specific form. (Annexure A for more detail).

10. FEES

Section 52(3) states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule, which is available on the SAHRC website: www.sahrc.org.za

A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

The fees that the requester must pay to a private body is R50. The requester may lodge an application to the court against the payment of the request fee (Section 54(3)(b)).

If the request is granted, a further access fee must be paid for the search, reproduction and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (Section 54(6)).

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Author: Corline van Rooyen

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ANNEXURE A

DESCRIPTION FO RECORDS TABLE

In terms of Section 51(1) (d) the following are records pertaining to EthiXPERT's own affairs. The personnel records stated refers to any person who works for or provides services to or on behalf of EthiXPERT and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of EthiXPERT. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers.

CATEGORIES OF RECORDS FOR EACH SUBJECT	FORM HELD IN	AUTOMATIC AVAILABLE
1. COMPANY SECRETARIAL RECORDS		
Company Incorporation	Electronic	NO
Names of Directors	Electronic	YES
Salaries of Directors	Electronic	NO
2. FINANCIAL RECORDS OF ETHIXPERT		
Financial statements	Electronic	NO
Assets Register	Electronic	NO
Documents relating to taxation of the company	Electronic	NO
Financial Agreements	Physical	NO
Banking Details	Electronic and physical	YES
3. INSURANCE OF ETHIXPERT		
Liability insurance of EthiXPERT	Electronic	NO
4. EMPLOYEES		
List of employees	Electronic	NO
Personal Information of Employees	Electronic	NO
Contracts of employment	Electronic	NO
Salaries	Electronic	NO
Leave records	Electronic	NO
5. COMPANY POLICIES		
Internal, relating to employees and EthiXPERT	Electronic	NO
External, relating to clients and other third parties	Electronic	NO
6. AGREEMENTS OR CONTRACTS		
Standard Agreements	Electronic	NO
Contracts concluded with service providers	Electronic	NO
Third party contracts such as Service Level Agreements, User Agreements, Partnership Agreements and Consortium Agreements	Electronic	NO
7. REGULATORY		
Licenses or Authorities	Electronic	NO
8. THIRD PARTY INFORMATION *		
Details of this group of people	Electronic	NO
Contact details of individuals within this group of people	Electronic	NO
Communication with this group of people	Electronic	NO
9. PUBLISHED INFORMATION		
External Newsletters and Circulars	Electronic	NO
Internal Newsletters and Circulars	Electronic	NO
Information on EthiXPERT published by third parties	Electronic and/or physical	NO

10. SYSTEMS, SOLUTIONS, INFORMATION TECHNOLOGY		
Intellectual property pertaining to solutions and products developed.	Electronic	NOT AVAILABLE
Usage of solutions and products	Electronic and physical	NO
11. REFERENCE MATERIALS		
Newsletters and journal articles	Electronic	NO
Magazines	Electronic	NO
Newspaper articles	Electronic	NO
Books	Electronic and physical	NO

- Third parties such as RHInno Ethics Users, Service Providers, Stakeholders, Partners, Funders and Donors

ANNEXURE B

REQUEST FOR ACCESS FORM
In terms of Section 51(1)(a) of The Promotion of Access to Information Act
THE NAME OF THE COMPANY TO WHOM THE REQUEST IS MADE IS: EthixPERT NPC

PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION			
Surname:		First name:	
Identity Number:		E-mail address:	
Telephone No:		Facsimile no:	
Postal address:			

PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE, IF APPLICABLE			
Surname:		First name:	
Identity Number:		E-mail address:	
Telephone No:		Facsimile no:	
Postal address:			

PARTICULARS OF RECORDS REQUESTED	
Reference, if applicable	

FORM OF ACCESS TO RECORD	
<p>Note:</p> <ul style="list-style-type: none"> 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 case you will be informed in access will be granted in another form. c. The fee payable for access to record, if any, will be determined partly by the form in which access is requested. 	

Mark the appropriate shaded box with an X

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

2. If the record consists of visual images: (photographs, slides, video recordings, computer-generated images, sketches, etc)			
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Copy of the images		Transcription	
3. If the record consists of recorded words or information which can be reproduced in sound:			

Listen to soundtrack		Transcription	
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4. If record is held on computer or in an electronic or machine-readable form:			
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Printed copy of information		Copy in computer readable form (USB stick)	
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If you requested a copy or transcription of a record, mentioned in 4 above, do you wish the copy/transcription to be posted to you?	YES NO
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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 above, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED
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EXPLANATION AND/OR REASONS OF WHY RECORD IS REQUIRED FOR EXERCISE OR PROTECTION OF ABOVEMENTIONED RIGHT
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.
SIGNATURE
Signed at: _____ Date: _____
Signature of Requester: _____