



REGISTRATION NUMBER OF THE COMPANY:

2015/122776/08

TB HIV Care NPC

PAIA MANUAL PREPARED IN TERMS OF SECTION 51 OF PAIA

**ACCESS TO INFORMATION MANUAL
(PRIVATE BODY)**

Date of compilation: 13 July 2021

Date manual was last updated: 7 October 2026

1 Definitions

- 1.1 **"CEO"** means the Chief Executive Officer;
- 1.2 **"Companies Act"** means the Companies Act No. 71 of 2008;
- 1.3 **"Data Subject"** means the person about whom the personal information relates.
- 1.4 **"DSAR"** means Data Subject Access Request;
- 1.5 **"Information Officer"** or **"IO"** and **"Deputy Information Officer"** or **"DIO"**:
 - 1.5.1 The Information Officer is the person designated to handle information requests, POPIA and PAIA compliance.
 - 1.5.2 Where applicable, the Deputy Information Officer is the person designated by the Information Officer to assist the Requester with their information request and POPIA and PAIA compliance.
- 1.6 **"Information Regulator"** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;
- 1.7 **"Personal Information"** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including, but not limited to—
 - 1.7.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 1.7.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.7.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 1.7.4 the biometric information of the person;
 - 1.7.5 the personal opinions, views or preferences of the person;
 - 1.7.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 1.7.7 the views or opinions of another individual about the person; and

1.7.8 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.

1.8 “**PAIA**” means the Promotion of Access to Information Act No. 2 of 2000;

1.9 “**POPIA**” means the Protection of Personal Information Act, No. 4 of 2013.

2 PAIA

2.1 PAIA aims to give effect to the constitutional right to access to any information held by the state and any information that is held by another person and is required for the exercise or protection of rights.

3 PAIA Guide ¹

3.1 The information regulator has amended, updated and made available the revised PAIA Guide², initially compiled by the SAHRC, on how to use PAIA in an easily comprehensible form and manner as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA, including:

3.1.1 the objects of PAIA and POPIA;

3.1.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

3.1.2.1 the Information Officer of every public body, and

3.1.2.2 every Deputy Information Officer of every public and private body³

3.1.3 the manner and form of a request for access to a record of a public body⁴ and private body⁵;

3.1.4 the assistance available from the IO of a public body and the information regulator in terms of PAIA and POPIA;

3.1.5 remedies in law available in the event of an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

3.1.5.1 an internal appeal;

3.1.5.2 a complaint to the information regulator; and

¹ Section 51(1)(b)(i) of PAIA

² Section 10(1) of PAIA

³ Designated in terms of section 17(1) of PAIA and section 56 of POPIA;

⁴ Section 11(1) of PAIA;

⁵ Section 50(1) of PAIA

- 3.1.5.3 an application with a court against a decision by the IO of a public body, a decision on internal appeal or a decision by the information regulator or a decision of the head of a private body.
 - 3.1.6 voluntary disclosure of categories of records⁶;
 - 3.1.7 fees to be paid in relation to requests for access⁷; and
 - 3.1.8 PAIA regulations.
- 3.2 The PAIA Guide can be inspected or copies can be made from the offices of public and private bodies, including the office of the Regulator, during normal working hours and can also be obtained-
 - 3.2.1 upon request to the IO; or
 - 3.2.2 from the website of the Information Regulator (https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf);
 - 3.2.3 by completing the appropriate form attached as **Annexure A**.

4 Purpose of this PAIA manual

- 4.1 All private bodies are required to compile a PAIA manual⁸ in order to assist you to:
 - 4.1.1 identify the categories of records held by TB HIV Care that are available without having to submit a formal PAIA request;
 - 4.1.2 identify the description of records that are available in accordance with legislation
 - 4.1.3 identify applicable rates that can be charged by TB HIV Care;
 - 4.1.4 assist you when making a request for access to a record;
 - 4.1.5 access contact details of the Deputy Information Officer/Information Officer;
 - 4.1.6 understand what personal information TB HIV Care processes, the purpose for processing and the description of the categories of data subjects;
 - 4.1.7 know if THC has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

⁶ Sections 15 and 51 of PAIA for public and private bodies, respectively

⁷ Section 22 and 54 of PAIA

⁸ Section 51 of PAIA

- 4.1.8 know whether THC has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

5 TB HIV Care NPC

- 5.1 TB HIV Care NPC is a registered non-profit company putting integrated care at the heart of responding to TB, HIV and other major diseases. TB HIV Care works to prevent, find and treat TB and HIV in South Africa as well as targeting interventions to address the needs of populations at risk, such as inmates, sex workers and people who inject drugs.
- 5.2 TB HIV Care supports the constitutional right of access to information and is committed to providing access to records in accordance with PAIA and POPIA, confidentiality agreements contracted with third parties and the principles of South African law.
- 5.3 TB HIV Care has the following subsidiary: **Strategic Health Solutions (Pty) Ltd**

6 Contact details⁹

- 6.1 A copy of this PAIA manual is available on our website, alternatively by sending a written request for a copy, to the DIO/IO to the electronic mail address or to the registered office address, provided below.
- 6.2 The CEO of TB HIV Care is the IO

Harry Hausler

Email Address: dio@tbhivcare.org

Street address: Unit 17-102, Waverly Business Park, Cape Town, 7925

Telephone number: 021 425 0050

Website: <https://tbhivcare.org/>

7 Categories of Records

- 7.1 TB HIV Care holds records generated through its programmes and its organisational operations. TB HIV Care's programme structure is set out under **Annexure B**.
- 7.2 In certain instances, records are received from and/or owned by levels of government, funders, sub-recipients or vendors. TB HIV Care reserves the right to transfer requests to such bodies as the primary holders or generators of the information requested.
- 7.3 Any request must be in accordance with this PAIA manual.

7.4 Records that are available without a person having to request access¹⁰

7.4.1 Unless otherwise set out under section 7, no category of record(s) is automatically available to any person.

7.4.2 Records of a public nature, typically those disclosed on TB HIV Care's website, may be accessed without the need to submit a formal application.

7.5 Records that must be formally requested¹¹:

Category of Record	Record type
Company Records	Notice of Incorporation (Registration certificate)
	Memorandum of Incorporation and any alterations or amendments
	Company rules
	Registration of company secretary and auditors
	Notice and minutes of all board meetings including resolutions adopted
	Copies of reports presented at the annual general meeting of the company
	Company policies including HR policies, procurement policies, finance policies, IT policies and programme policies
	Standard operating procedures
	Employment equity plans
	Employment equity reports
	Bid or bid proposal documents and other supply chain documents
	Register of the disclosure of beneficial interest
Financial Records	Accounting systems, financial statements, bank statements, bank reconciliations and month-end reports
	Audited financial statements
Publications and communications	Newsletters, posters and publications

	Media enquiries and responses
Service providers	Bidding documentation, agreements, reports, registers, onboarding documentation and invoices
Employees and former employees	Job advertisements
	Employee contracts
	Employee records including remuneration and disciplinary records
	Training manuals
Grant documentation (funders and sub-recipients)	Grant award notification
	Grant agreement
	Technical and financial reporting etc.
Records relating to TB HIV Care programmes	Registration forms, consent forms, clinical records, service and medical records and health information
Training	Training manuals and attendance registers

7.1 TB HIV Care retains records in terms of legislation that apply to its operation and programmes. Unless disclosure is prohibited in terms of any legislation, regulations, contractual agreements or otherwise, records required to be made available in terms of such legislation may be requested in accordance with this PAIA manual.

7.2 Accessibility of records after a request is made may be denied by TB HIV Care subject to the grounds set out under clause 11.

¹⁰ Section 51(b)(ii) of PAIA

¹¹ Section 51(1)(D) of PAIA

7.3 The following legislation is applicable (which list is not exhaustive):

- 7.3.1 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- 7.3.2 Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) (BBBEE Act);
- 7.3.3 Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- 7.3.4 Companies Act, 2008 (Act No. 71 of 2008);
- 7.3.5 Compensation for Occupational Injuries and Diseases Act, 1993 (Act No.130 of 1993);
- 7.3.6 Cybercrimes Act, 2020 (Act No 19 of 2020)
- 7.3.7 Electronic Communications Act, 2005 (Act No. 36 of 2005);
- 7.3.8 Electronic Communications and Transaction Act, 2002 (Act No. 25 of 2002);
- 7.3.9 Employment Equity Act, 1998 (Act No. 55 of 1998);
- 7.3.10 Health Professions Act, 1974 (Act No. 56 of 1974);
- 7.3.11 Income Tax Act, 1962 (Act No. 58 of 1962)
- 7.3.12 Labour Relations Act, 1995 (Act No. 66 of 1995);
- 7.3.13 National Health Act, 2003 (Act No. No. 61 of 2003);
- 7.3.14 Non-Profit Organisations Act, 1997 (Act No. 71 of 1997);
- 7.3.15 Occupational Health and Safety Act, 1993 (Act 85 of 1993);
- 7.3.16 Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
- 7.3.17 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- 7.3.18 Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI);
- 7.3.19 Skills Development Levies Act, 1999 (Act No. 9 of 1999);
- 7.3.20 Unemployment Contributions Act, 2001 (Act No. 63 of 2001);
- 7.3.21 Value Added Tax Act, 89 of 1991.

8 Request for information¹²

You must comply with all the requirements contained in PAIA and this PAIA manual when requesting a record.

8.1 The request:

8.1.1 The requestor must:

- 8.1.1.1 Either download and complete the formal request form “**Annexure C**”; and
- 8.1.1.2 Include the supporting documentation required and attach the supporting documents to the request and submit such request to the DIO email or in writing using the contact details set out in clause 6; or
- 8.1.1.3 Using THC’s online DSAR platform available on THC’s Privacy Notice page ([Privacy notice - TB HIV Care](#)) submit a request along with required supporting documentation; and
- 8.1.1.4 Pay the prescribed fee. **Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid.**

8.1.2 Proof of identity:

- 8.1.2.1 Proof of identity must be provided by the requestor for the DIO/IO to authenticate the request and the requestor.
- 8.1.2.2 If the request is made on behalf of another individual or organisation the following will be required:
 - 8.1.2.2.1 the authorised person must indicate the capacity in which the authorised person is related to the individual or organisation;
 - 8.1.2.2.2 the individual’s written and signed consent;
 - 8.1.2.2.3 proof of identity of the authorised person and of the individual on whose behalf the authorised person is acting.
- 8.1.2.3 This is to ensure that TB HIV Care does not deny the requestor access on the basis that the information is confidential.
 - 8.1.2.3.1

¹² Section 53 of PAIA

8.2 Format of the Record:

8.2.1 The requestor must include the format of the record in the request.

8.3 The requestor must provide sufficient detail to allow the DIO/IO to identify the records sought. Failure to do so may result in the process being delayed until such additional information is provided.

8.4 **Only requests with sufficient particulars as to the right the requestor is seeking to protect, will be considered¹³.**

HOW DO I:

When explaining which right you are hoping to exercise by making your request to a private body you cannot refer to your right of access to information. So, you have to explain how the record you are asking for is reasonably required for you to protect, or exercise, another right. This could include rights that are not just constitutional rights. You may for example require the master plans from a company that has the potential to impact the pollution levels in a community, in order to help protect your right to the environment through monitoring its activities. Or you may require records, which will help you determine if you have a right to file a civil claim against an entity. You therefore need to:

1. Specifically identify the right you hope to protect or exercise, and then
2. Explain clearly why the record you are asking for is reasonably required to help you with that right.

8.5 The decision and notice:

8.5.1 TB HIV Care will as soon as possible, but within 30 days, after the request and the necessary particulars have been received, decide whether to grant the request and notify the requestor of the decision.

8.6 The prescribed fee:

A prescribed fee must be paid to TB HIV Care when a request is made in order to cover the cost of providing access to records. Fees levied are published by the Minister and are set out under **Annexure D**. Levies published by the Minister are subject to change and at the time of publishing the below fees were correct.

¹³ Section 53(2)(d) of PAIA

9 Access to health or other records¹⁴

- 9.1 Requestors must stipulate in their request what health information is required, understanding that information held by a medical practitioner must be obtained directly from that health practitioner.
- 9.2 TB HIV Care cannot release information held by another party, or information that is protected by a medical practitioner/patient relationship.

10 Granting or refusal of requests

- 10.1 TB HIV Care is entitled to refuse a request for information. Possible grounds for refusal include, but are not limited to:
 - 10.1.1 **Privacy of a third party:** TB HIV Care will refuse the requestor access to personal information of another person (natural or deceased person or juristic person) if it amounts to unreasonable disclosure.¹⁵.
 - 10.1.2 **Commercial information of TB HIV Care¹⁶ or a third party¹⁷:** TB HIV Care will refuse the requestor access to any commercial information of TB HIV Care or third party. This would include trade secrets, financial, commercial, scientific or technical information or information, that if shared might threaten TB HIV Care's or a third party's commercial interest.
 - 10.1.3 **Confidential information:** TBHIV Care will refuse the requestor access to a record if its release would amount to a breach of a duty of confidence owed to a third party in terms of an agreement (or contract)¹⁸.
 - 10.1.4 **Safety of individuals and property:** TB HIV Care will refuse the requestor access to a record if its release could reasonably be expected to compromise the life or safety of an individual or where such access to a record would likely prejudice or impair the security of a building, structure or system or certain methods, systems, plans or procedures.¹⁹.
 - 10.1.5 **Legal privilege:** TB HIV Care will refuse the requestor access to a record if the record is privileged from production in legal proceedings²⁰

¹⁴ Section 61 of PAIA

¹⁵ Section 63 of PAIA

¹⁶ Section 68 of PAIA

¹⁷ Section 64 of PAIA

¹⁸ Section 65 of PAIA

¹⁹ Section 66 of PAIA

²⁰ Section 67 of PAIA

- 10.1.6 **Research Information:** TB HIV Care will refuse the requestor access to a record if the record will likely expose TB HIV Care, a third party, the subject matter of the research or the person carrying out the research on TB HIV Care's or the third parties behalf, to serious disadvantage ²¹.
- 10.1.7 TB HIV Care will refuse the requestor access to information where the request is frivolous or vexatious, or that involve an unreasonable diversion of resources.
- 10.1.8 Any other reason that is allowed in any applicable law.
- 10.1.9 TB HIV Care will accordingly inform the requestor in the event that a record does not exist or cannot be located.²²

11 Appeals and complaints

- 11.1 Internal appeals are not applicable to TB HIV Care.
- 11.2 If the requestor is not satisfied with TB HIV Care's response, the requestor may submit a complaint with the information regulator within 180 days of the decision in the prescribed manner and form.

12 Processing of personal information

- 12.1.1 For information around TB HIV Care's processing of personal information, please refer to our website and Privacy Policy that can be found at [Privacy notice - TB HIV Care](#).

13 Revision history

Version	Approval date	Revision history (description of change)	Author
1.0	13 July 2021	New SOP	Alexandra O'Hare
2.0	12 June 2023	Clause 1 amended (definitions deleted and added), clause 2, 3, 4, 10 amended and updated, clause 6 updated contact details, clause 6 category of record added ("Training"), clause 7 access to health records deleted and National Health Act added, clause 12 added	Alexandra O'Hare
3.0	7 April 2025	Clause 1.3 and 1.5 added, clause 6.4 updated to "Yumna Gamiieldien", clause 7.5 updated, clause 8.1.1.2 updated and	Alexandra O'Hare

²¹ Section 69 of PAIA

²² Section 55 of PAIA

		clause 8.1.1.3 added, updated annexures A, B and C	
4.0	29 June 2026	Added information officer to clause 4.15 Updated THC address Deleted clause referencing CFO as the DIO Deleted reference to the DIO and amended to TB HIV Care in clauses 10.1.1 to 10.1.7 Updated links to TB HIV Care's Privacy notice Updated Annexure B- TB HIV Care Programmes	Alexandra O'Hare

Annexure A: Request for a copy of the PAIA Guide

<https://salgbc.org.za/wp-content/uploads/2023/02/1-PAIA-Form-1-Request-for-copy-of-Guide-from-the-Information-Regulator.pdf>

Annexure B: Programme structure

<https://tbhivcare.org/our-programmes/>

Annexure C: Request form

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

Annexure D: Prescribed fees

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."

*TB HIV Care NPC reserves the right to amend, modify, or increase the fees, charges, or pricing structures set out above at any time, to the extent reasonably necessary to align with any applicable laws, regulations, or legislative requirements.