

Access to Information Manual

We respect your right of access to information. This manual will help you (the requester of information) to exercise that right and help you know how you may get access to our records. The Promotion of Access to Information Act 2 of 2000 as amended from time to time (known as PAIA¹) requires us to draft and make this manual available to you.

- Know what types of information we have.
- Know how to request access to it.

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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¹ To read PAIA go to <https://accesstoinformation.co.za/>. For a plain language summary go to <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/promotion-of-access-to-information-act>

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Date we compiled this manual: 28 August 2024

Date we last revised it:

1. Introduction

We describe who we are and what we do on our [website](#).

PAIA² requires the information officer of a private body to compile a manual that contains information on the records it holds. A ‘private body’ means a natural person, company or other type of juristic entity that carries on any trade, business or profession and includes a political party. We are a private body.

This manual exists to tell you what information we have and help you get access to it.

2. Our details

Our organisation’s and information officer’s details are as follows:

Organisation name	Cellmark (Pty) Ltd
Website	www.cellmark.com
Registration number	2012/018404/07
Postal address	2nd Floor Block 2 Northgate Park CNR Section & Koeberg Road Paarden Eiland Cape Town 7405
Physical address	2nd Floor Block 2 Northgate Park CNR Section & Koeberg Road Paarden Eiland Cape Town 7405
Phone number	+27 83 845 1270
Default information officer³	Henri Marc Perrin
Information officer email	henri-marc.perrin@cellmark.com
Information officer phone number	+33 (0) 676 122353

² Section 51(1) of PAIA

³ For more about the information officer see <https://www.michalsons.com/focus-areas/privacy-and-data-protection/information-officer-popi-paia>

These are all our details, but please rather contact us by email whenever possible.

3. Further guidance from the Information Regulator

For further guidance, contact the Information Regulator. They have compiled a [PAIA guide](#)⁴ in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	www.inforegulator.org.za
Postal address	P.O Box 31533, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

For further guidance on how you can get access to information, please visit the Information Regulator [website](#)⁵.

4. Records which we make automatically available

We make some records automatically available⁶ to you without you needing to request access to them.

Type of record	How you can access it
Directors' names	BizPortal ⁷
Banking details	Request by email
Brochures	Request by email

⁴ <https://inforegulator.org.za/paia-guidelines/>

⁵ <https://inforegulator.org.za/>

⁶ Section 52

⁷ <https://www.bizportal.gov.za/>

Press and media information	Subscribing or on our website
Information on our website	Visit our website

5. Records we hold to function

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available. You may request access to them.

Establishment records

Our records related to the establishment, registration, incorporation, or administration of our organisation. Some of them may be available from [BizPortal](#)⁸, via BizProfile, a search tool for all companies registered on the Companies and Intellectual Property Commission (CIPC).

- Memorandum of incorporation (MOI)
- Documents of incorporation
- Minutes of board or director meetings
- Written resolutions
- Records relating to appointment of directors, auditor, secretary, public officer, or other officers
- Share register and other statutory registers
- Other statutory records

Company records include our memorandum of incorporation and directors' names.

Business records

Documents that have economic value to the business.

- Operational records
- Databases
- Published works
- Internal correspondence
- Product records

Financial records

Our records related to our finances.

- Financial statements

⁸ <https://www.bizportal.gov.za/>

- Tax returns
- Other documents relating to tax
- Accounting records
- Auditor reports
- Banking records
- Bank statements
- Electronic banking records
- Paid cheques
- Asset register
- Invoices
- Financial agreements

Financial records include our financial statements and banking details.

Insurance records

Our records related to our insurable assets.

- Insurance policies we hold
- Records of insurance claims
- Register of all immovable property owned by the company

Tax records

Our records related to our tax obligations.

- Corporate tax records
- Documents issued to employees for income tax purposes

Personnel records

Our records about anyone who works for us, provides services to us, or provides services on our behalf and who we remunerate. This includes our employees, contractors, and other personnel.

- List of employees
- Employee personal information
- Employee employment contracts
- Employment applications and appointment letters
- Employment policies and procedures
- Health and safety records
- Salaries or wages of employees
- Leave records
- Internal evaluations and performance records

- Disciplinary records
- Training records
- Operating manuals
- Personal records provided by personnel
- Other statutory records
- Related correspondence

Personnel records include records about our employees and contractors.

Policies and directives

Both internal and external documents.

- Internal: relating to employees and the organisation
- External: relating to customers and other third parties
- Information technology systems and documents

Agreements or contracts

Both the documents themselves and all related documents.

- Standard agreements
- Contracts concluded with customers
- NDAs
- Letters of intent, MOUs
- Third party contracts
- Office management contracts
- Rental agreements
- Supplier or service contracts

Regulatory documents

Any documents we need to comply with any laws.

- Permits
- Licences
- Authorities

Published information

Any document that we prepare and produce.

- Internal newsletters and circulars
- Information on the company published by third parties

Customer information

Any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

- Customer details
- Communications with customers

Reference materials

Any sources of information that we contribute to.

- Newsletters and articles
- Magazines

6. Records we hold to comply with the law

We hold records that all organisations are [required by law to hold](#)⁹. We also hold records that the law specifically requires organisations like ours to retain. Please ask our information officer for details.

7. How you can request access

We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete [Form 2](#)¹⁰.

Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address, our physical address, or by fax using the details we provide. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address, or fax number,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

⁹ <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/laws-that-require-bodies-to-hold-records>

¹⁰ <https://inforegulator.org.za/paia-forms/>

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or
- delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

8. How we will give you access

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

9. How much it will cost you

Request fees

When submitting your request, you must pay us a [request fee](#)¹¹ as the law prescribes. You must pay us the prescribed fees before we give you access. You will receive a notice from our information officer upon your request¹², setting out the application procedure¹³.

Access fees

If we grant the request, you will have to pay us a further [access fee](#)¹⁴ the law prescribes that includes a fee for the time it takes us to handle your request, or if the time has exceeded the prescribed hours to search and prepare the record for disclosure. Our information officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee¹⁵. The access fee will provide for:

- the costs of making the record, or transcribing the record,
- a postal fee (if applicable), and

¹¹<https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/access-to-information-fees-for-private-bodies>

¹² Section 54(1)

¹³ Section 54(3)(c)

¹⁴ <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/access-to-information-fees-for-private-bodies>

¹⁵ Section 54(2)

- the reasonable time we need to search for the record and prepare the record for you¹⁶.

If you paid the deposit and we refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record you requested.

10. Grounds for us to refuse access

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

- someone else's privacy¹⁷,
- another company's commercial information¹⁸,
- our commercial information¹⁹,
- someone else's confidential information²⁰,
- research information²¹,
- the safety of individuals and property²², or
- records privileged from production in legal proceedings²³.

Some of these grounds are explained in further detail below.

Protection of someone else's privacy (a natural person)

We may refuse to give you access to a record if access would unreasonably disclose a natural person's personal information, including a deceased person.

We will not refuse access in certain circumstances.

- The person who the information pertains to, has given consent.
- The information is publicly available.
- The information belongs to a class of information, and the private body notified the individual upfront that the specific class of information might be made public.
- The record is physical or mental health information or information about someone's well-being who is:
 - under the requester's (your) care and below 18 years, or
 - incapable of understanding the nature of the request and giving access would be in the individual's best interests.
- The information is about a deceased person and:
 - you are the next of kin, or

¹⁶ Section 54(7)

¹⁷ Section 63

¹⁸ Section 64

¹⁹ Section 68

²⁰ Section 65

²¹ Section 69

²² Section 66

²³ Section 67

- the request is made with the written consent of the individual's next of kin.
- The information is about a person who is, or was an executive at your organisation, and the information relates to their position or functions, for example:
 - that the person was an official at our organisation,
 - the title, work address, work phone number and other similar details,
 - the classification, salary scale or remuneration and responsibilities of the position or services, and
 - the name of the person on a record prepared by them while employed.

Protection of another organisation's commercial information

We may refuse to give you access to a record if the record contains another organisation's:

- trade secrets,
- financial, commercial, scientific, or technical information and the disclosure could cause harm to the financial or commercial interests of that company,
- information and the disclosure could put that company at a disadvantage in negotiations or commercial competition, or
- information on a computer programme owned by us, protected by copyright.

Protection of the safety of individuals and property

We may refuse access if it could reasonably be expected to endanger someone's life or physical safety. We may refuse access to a record if disclosing it would be likely to prejudice or impair the security of:

- a building, structure, or system, including a computer or communication system,
- a means of transport,
- any other property,
- methods, systems, plans or procedures for the protection of someone in a witness protection scheme,
- the public, or a part of the public, or
- the property contemplated above.

Protection of research information

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researcher's or the subject matter of the research and would place the research at a serious disadvantage.

Our decision on giving you access

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record you asked for or it does not exist, we will notify you by way of affidavit that it is not possible to give access to that record.

We may have to refuse you access to a record to protect others.

11. Remedies available if we refuse to give you access

If we deny your request for access, you may:

- apply to a court²⁴ with appropriate jurisdiction, or
- [complain](#)²⁵ to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

12. How we process and protect personal information

We process the personal information of various categories of people for various purposes. Please refer to our website for our Privacy Policy:

www.cellmark.com/about/privacy-policy

13. Availability of this Manual

This manual is available in English in electronic format on our website and in physical format at the reception of our company offices.

14. Updates to this Manual

We will update this manual whenever we make material changes to it.

²⁴ Section 78

²⁵ PAIAComplaints@inforegulator.org.za