



MOLECULAR DIAGNOSTIC SERVICES (PTY) LTD

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Registration Number 2001 001 77907

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Information Manual for Molecular Diagnostic Services PTY (Ltd) **“PAIA Manual”**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000.

for

Molecular Diagnostic Services (PTY) Ltd

This Manual applies to Molecular Diagnostic Services (PTY) Ltd and the mi-Lab Test divisions,
(hereafter collectively referred to as “MDS”)



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1. INTRODUCTION

- 1.1. Legislation compliance: Molecular Diagnostic Services (MDS) is a registered Proprietary Limited company, Registration Number 2001 001 77907, Income Tax number 9757053146 and VAT registered (VAT Registration Number 4270210554).
- 1.2. Molecular Diagnostic Services offers a specialised molecular diagnostic service to areas of medical-human, veterinary, food, paternity, genetic and wellness testing. MDS also performs its own research and development of new tests as well as the preparation of sample self collection kits.

2. CONTACT DETAILS AND GENERAL INFORMATION: Section 51 (1) (a)

- 2.1. All requests for access to records in terms of the Act must be in writing and must be addressed to the MDS Information Officer. The director of Molecular Diagnostic Services (Proprietary) Limited (MDS), Dr Denis Francis York is the MDS Information Officer (email: dryork@mdsafrica.net) and has duly authorized the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.



2.2. **Contact person:** Deputy Information Officer

Mrs Chantel Harper

Postal address: Private Bag X20 Westville 3630

Physical address: 6 Ribston Place Westville 3629

Phone (W): 031 – 267 7000

E-mail: chantel@mdsafrica.net

3. **THE ACT: ADMINISTRATION** : Section 51(1)(b)

3.1. **Background to the promotion of access to Information Act**

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information in records held by the state, public or private bodies that is required for the exercise or protection of any rights, in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (“the Constitution”). In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”). The Act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

3.2. This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. The Act recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.2.1. Limitations aimed at the reasonable protection of privacy;

3.2.2. Commercial confidentiality; and

3.2.3. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution as amended and POPIA.

3.3. **Scope**

3.3.1. This PAIA manual provides an outline of the types of records and the personal information (PI) held by MDS and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as, the grounds for refusal or partial refusal of such request. In addition, it explains how to access PI held by MDS in



terms of Sections 23 and 25 of the Protection of Personal Information Act 4 of 2013 (POPIA).

Requests for access to PI will be responded to within a reasonable time.

3.3.2. The manual is prepared in terms of Section 51 of the Promotion of Access to Information Act (No.4 of 2013) and includes eight conditions for lawful processing of information, viz.:

- 3.3.2.1. Accountability
- 3.3.2.2. Processing limitation
- 3.3.2.3. Purpose specification
- 3.3.2.4. Further processing limitation
- 3.3.2.5. Information quality
- 3.3.2.6. Openness
- 3.3.2.7. Security safeguards
- 3.3.2.8. Data subject participation

3.3.3. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.3.4. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act;

3.3.6. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	www.sahrc.org.za

4. APPLICABLE LEGISLATION REFERENCES: Section 51 (1) (c)

- 4.1. Promotion of Access to Information Act, No 2 of 2000
- 4.2. Protection of Personal Information Act, No 4 of 2013
- 4.3. The Health Professions Act, 1974 (Act No. 56 of 1974)
- 4.4. Veterinary and Para-Veterinary Professions Act, Act 19 of 1982



- 4.5. Animal Diseases Act No. 35 of 1984
- 4.6. Human Tissue Act No. 65 of 1983
- 4.7. National Health Act No. 61 of 2003
- 4.8. Companies Act 61 of 1973 as amended
- 4.9. Companies Act 71 of 2008 as amended
- 4.10. National Credit Act 34 of 2005 as amended
- 4.11. Basic Conditions of Employment Act 75 of 1997
- 4.12. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 4.13. Employment Equity Act 55 of 1998
- 4.14. Skills Development Levies Act 9 of 1999
- 4.15. Unemployment Insurance Act 63 of 2001
- 4.16. Income Tax Act 58 of 1962
- 4.17. Debt Collectors Act 114 of 1998

5. RECORD SUBJECTS AND SCHEDULE: Section 51(1)(d)

5.1. Private Body Records: available on request in terms of PAIA

- 5.1.1. Financial
- 5.1.2. Operational
- 5.1.3. Database (Vetsite)
- 5.1.4. Information technology (Internal Apps)
- 5.1.5. Correspondence: internal and external
- 5.1.6. Legal agreements

5.2. Statutory Records: available on request in terms of PAIA

- 5.2.1. Staff Employment agreements
- 5.2.2. Staff Confidentiality and Non-Disclosure Agreement
- 5.2.3. Staff service records and agreements
- 5.2.4. Staff job descriptions and training files
- 5.2.5. Provident fund
- 5.2.6. Employee benefit
- 5.2.7. Labour relations
- 5.2.8. Employment equity



5.2.9. PAYE

5.3. **Customer Records:** available on request in terms of PAIA, unless otherwise indicated.

5.3.1. Test result reports; **Note:** Only Vet result reports are available on Vetsite, client password protected

5.3.2. Test requisition forms or contracts for DNA relationship testing

5.3.3. Customer compliments, complaints, feedback and queries

5.4. **Other Records**

5.4.1. Operators/service providers/suppliers and third parties who alternatively may possess our records

Our website address is www.mdsafrica.net and is accessible to anyone who has access to the internet.

The website contains various categories of information relating to MDS.

6. **SECURITY OF PERSONAL INFORMATION**

6.1. Appropriate and reasonable technical and organisational steps are taken to protect personal information according to industry best practices; our security measures include physical, technological and procedural safeguards. MDS has maintained accreditation with SANAS to international standards ISO 17025 and ISO 15189 and meets the requirements for confidentiality and document management including access control, protection (hardcopy and electronic), archiving and destruction.

6.2. **Retention times**

Personal information is retained (stored):

6.2.1. For as long as the law requires us to keep it;

6.2.2. To ensure compliance with international ISO 17025: 2017 and ISO 15189: 2021 standards;

6.2.3. For historical purposes and in accordance with retention requirements stipulated by SARS; and

6.2.4. For staff records, these are kept in accordance with the basic conditions of employment act.

7. **ACCESS TO INFORMATION REQUEST PROCEDURE:** Section 51(1)(e)

7.1. You have the right to request access to the personal information that MDS holds about you, on provision of a copy of your ID, by contacting us. This includes requesting for:

7.1.1. Test result report

7.1.2. What personal information we have of yours



- 7.1.3. A copy or description of an archived record containing your personal information at a legislated fee, see **Appendix 1**; and
- 7.1.4. The identity or categories of third parties (such as maintenance courts) or operators who have had access to your personal information.

7.2. We will attend to requests for access to personal information within a reasonable time.

7.3. You may be required to pay a reasonable fee to receive copies or descriptions of archived records, or information about third parties. We will inform you of the fee before attending to your request, refer to section on prescribed fees.

7.4. **Access to records held by MDS**

Records held by MDS may be accessed by requests only once the prerequisite requirements for access have been met.

7.5. **Grounds for refusal of access to records**

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 the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

7.6. **Remedies available when MDS refuses a request for information**

7.6.1. **Internal remedies**: The decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the information officer.

7.6.2. **External remedies**: Subject to the provisions of PAIA, a requester that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court or to the information regulator for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to the information regulator or to a court with appropriate jurisdiction for relief. Notice of Appeal, Form B, in terms of Section 75 of PAIA (Regulation 8).

7.7. **Request Procedure**

The following procedural requirements serve as guidelines for requesters.

7.7.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.



- 7.7.2. The requester must complete the prescribed access request form enclosed herewith in **Appendix 1**, and submit same, as well as, proof of payment of a request fee and a deposit, if applicable, to the MDS Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated above.
- 7.7.3. The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
- 7.7.3.1. the record or records requested;
 - 7.7.3.2. the identity of the requester;
 - 7.7.3.3. which form of access is required, if the request is granted;
 - 7.7.3.4. the email address, postal address or fax number of the requester.
- 7.7.4. The requester must state the nature of the right for which access to the requested records is required; access to the records must be “necessary” for the exercise or protection of the right so stated.
- 7.7.5. Subject to the provisions in the Act in respect of extensions, MDS will process the request within 30 working days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 7.7.6. The requester shall be informed in writing whether access has been granted or denied.
- 7.7.7. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 7.7.8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 7.7.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, MDS will keep a record of this oral request.
- 7.7.10. The requester must pay the prescribed fee, when applicable, before any further processing can take place.

7.8. **Completion of Access Request Form**

In order for Molecular Diagnostics Services to respond to requests in a timely manner, the Access Request Form (**Appendix 1**) must be completed, taking due cognizance of the following instructions on completion of the form:



- 7.8.1. The Access Request Form must be completed in the English language.
- 7.8.2. Type or print in BLOCK LETTERS an answer to every question.
- 7.8.3. If a question does not apply, state “N/A” in response to that question.

7.9. **Submission of Access Request Form**

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in the Section 2 (Section 51(1)(a)) contact details, i.e. the Deputy Information Officer.

8. PRESCRIBED FEES: Section 51 (1) (f)

MDS shall not include a fee for a standard request for test result reports, archived or from the current year, except for a postal/ courier fee as applicable. However, in the case of requests for other information, the Act provides for two types of fees, namely:

- 8.1. A request fee, which will be a standard fee; and
- 8.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs. The fees shall be based on the recommended fees as legislated in the PAIA Act (Act No 2 of 2000).
- 8.3. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 8.4. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 8.5. The Information Officer shall withhold a record until the requester has paid the fees.
- 8.6. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 8.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.



8.8. **Decision**

MDS will, within 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.

9. **AVAILABILITY OF THE MDS PAIA MANUAL**

9.1. This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

9.2. This manual is available on the following websites:

- www.mdsafrica.net
- vetsite.mdsafrica.net
- www.milabtest.co.za
- www.wellpro.co.za

This PAIA Manual of Molecular Diagnostics Services (MDS) is approved and signed by the Director of Molecular Diagnostics Services on this 27 day of July 2021.

DF York
Dr Denis Francis York, Director
Molecular Diagnostics Services (PTY) Ltd



APPENDIX – 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER (FORM B)

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act, (Act No 2 of 2000)
(Regulation 10)

A. Particulars of private body

The Deputy Information Officer: Molecular Diagnostic Services

B. Particulars of person requesting access to the record

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

Full Names and Surname/ Full Company Name:

Identity Number/ Registration Number

Physical Address:

Postal Address:

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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

C. Particulars of person of 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



1. Description of record or relevant part of the record required (copy, original, dated)

2. Reference number, if available:

3. Any further particulars of the 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 of the request fee.
(c) The **fee payable for access** to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

G. Particulars of right to be exercised or protected:

If the provided space is inadequate, please continue of 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 requested record is required for the exercising 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 thereof 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?

Signature of Requester/ Person on whose behalf request is made: _____

Signed at _____ this _____ day of _____ 20_____

Company stamp/ Identification: