
INFORMATION MANUAL OF THE WESTERN CAPE BLOOD SERVICE NPC (Registration Number 1943/016692/08) IN TERMS OF SECTIONS 14 AND 51 OF THE PROMOTION OF ACCESS TO THE INFORMATION ACT, 2 OF 2000

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1) INTRODUCTION

In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No. 108 of 1996 every person has a right to access information. In order to fulfil this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 (“the Act”) was promulgated and assented by the President.

The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, public and private companies as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right of access to information is to:

Foster a culture of transparency and accountability in both public and private bodies; and promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 9 of the Act, however recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- i) Limitations aimed at the reasonable protection of privacy;
- ii) Commercial confidentiality;
- iii) Effective, efficient and good governance; and
- iv) In a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2) PURPOSE

The purpose of this manual is to facilitate requests for access to records of the Western Cape Blood Service (“WCBS”).

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requestors are advised to familiarise themselves with the provisions of the Act before making any requests to WCBS in terms of the Act.

WCBS makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for a particular purpose. All users of any such information shall use such information entirely at their own risk, and it shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by WCBS or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by WCBS.

3) AVAILABILITY OF THE MANUAL

This manual may be obtained by a requestor:

- i) On WCBS’ website
- ii) On receipt of a written request to the Company Secretary; or
- iii) At the South African Human Rights Commission.

4) WCBS BACKGROUND

WCBS is a non-profit company, with limited liability, duly incorporated in terms of the Companies Act, Act 71 of 2008, as amended, which relies on voluntary non-remunerated donors providing all patients with sufficient, safe quality blood products and medical services related to blood transfusion in an equitable and cost-effective manner.

5) FUNCTION OF WCBS

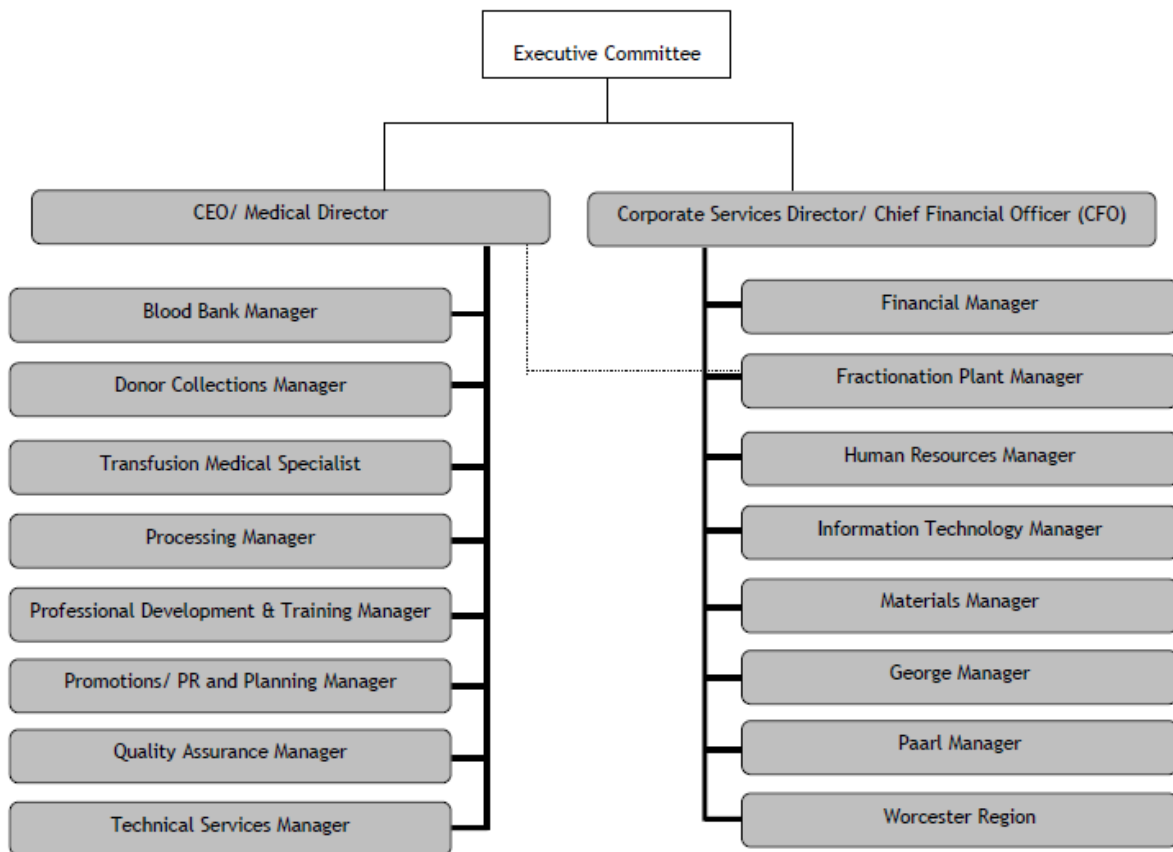
The function of the WCBS is to provide patient(s) with all product(s) and service(s) related to the practice of blood transfusion medicine in South Africa as envisaged in the National Health Act, 61 of 2003 and other medical related services.

6) MISSION STATEMENT

Western Cape Blood Service is a community based regional health organisation formed by an association of voluntary blood donors dedicated to providing the safest blood products and efficient service to the community, while operating at the highest professional and ethical standards and remaining a viable organisation.

1. Monitoring and anticipating the requirements of the Western Cape population for all blood and related products.
2. Providing safe and appropriate total blood service for donors and patients in the Western Cape and supporting other Services in times of need.
3. Recruiting and maintaining an adequate number of healthy, voluntary non-remunerated blood donors.
4. Conducting relevant educational, training, development and clinical advisory services for health care professionals, staff and general public.
5. Striving to apply an effective program of quality assurance throughout all aspect of transfusion practice and its management.
6. Undertaking, commissioning or otherwise ensuring the provision of appropriate research and development.
7. Holding operating costs to a minimum consistent with high quality service and to ensure that revenues obtained from blood products are invested in maintaining WCBS as a viable organisation.
8. Providing encouragement, support and appropriate training to members of WCBS staff so they may play a meaningful role in achieving the Service's objectives.
9. Maintaining relevant national and international links in support of the above.

7) ORGANISATIONAL STRUCTURE OF THE WCBS



8) INFORMATION OFFICER AND CONTACT DETAILS

Name: Mr Jacques Breslaw
Postal Address: WCBS, P O Box 79, Howard Place, 7450
Physical Address: WCBS, Old Mill Road, Pinelands, Cape Town, 7405
Telephone Number: (021) 507 6300
Facsimile Number: (021) 531 4884
Email Address: Jacques.Breslaw@wcbs.org.za

9) GUIDE TO THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has published a guide in terms of Section 10 of the Act, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission
PAIA Unit, the Research and Documentation Department
Private Bag X2700
Houghton, 2041
Telephone number: (011) 484-8300
Facsimile Number: (011) 484-1360
Website: www.sahrc.org.za
Email Address: paia@sahrc.org.za

10) INFORMATION AVAILABLE WITHOUT A REQUEST

Information that is freely available to the public, whereby a requester can obtain such information about records without having to make a formal request in terms of the Act is the following:

- i) Annual financial report;
- ii) All documents or records lodged in terms of statutory requirements and various bodies, including the Registrar of Companies, and the Registrar of Deeds; and
- iii) Information brochures published by WCBS and that is made available to the public through its website or other printed media.

11) GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

WCBS may refuse a request on the following grounds:

- i) Mandatory protection of privacy of a third party who is a natural person;
- ii) Mandatory protection of the commercial information of a third party;
- iii) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- iv) Mandatory protection of the safety of individuals and protection of property;
- v) Mandatory protection of the commercial activities of the WCBS;
- vi) Research information the WCBS or a third party, if its disclosure would disclose the identity of WCBS, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- vii) Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

12) CATEGORIES OF RECORDS HELD BY WCBS IN TERMS

12.1 Blood Procurement

- Donor self-exclusion questionnaire - contains relevant donor information and confidential questionnaire.
- Donor and donation record - contains relevant donor information and the numbers and frequency of donations.
- “Bleeding” sheet - contains donor’s name, identity criteria and blood group.
- Blood pack label - contains label attached to the blood pack that contains all relevant donor details, the place of donation and the date of expiry of the blood.
- “Down time” record - contains all relevant donor information for use in the event of the electronic information system being off-line.

12.2 Quality Management

- Document control records - contain information relating to the Quality Manual Policy documents, Procedure documents and Standard Operating Procedures.
- Records index - contains an index of current and archived records relating to the quality of product and services provided.

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- Quality Control results - contains information relating to tests performed on products and reagents.
 - Complaints and non-conformance reports - contains information regarding non-conformance and standards and records of corrective actions taken.
 - Records of superseded procedures, manuals and publication

12.3 Research and development

- Study and research records - contains information on research protocols, approval certificates and data and study reports.

12.4 Information technology

- Blood bank module - an interactive information system that integrates blood donor, donated blood unit, testing and patient information.
- Laboratory modules - an interactive information system that contains all relevant laboratory data.
- Accounts receivable module contains interactive information system that stores and retrieves patient charge information.
- Databases containing information relating to the screening and blood grouping of donated blood.
- Data repository system - stores historical donated blood records and is used to determine trend analyses and blood donor profiling.
- Clocking system - controls and records information relating to employee working hours and movements.

12.5 Special investigations laboratory

Donor blood reaction forms records are kept which include the following details:

- All of the patient demographics;
- All of the tests that were performed with the patient and the donor units;
- A name of a contact at the hospital to which the report is to go;
- An antibody investigation form is kept which contains the donor's demographics and all the relevant serological tests for irregular blood groups antibodies with a conclusion attached.
- Antenatal records are kept of pregnant females, which include the patient's name and clinic demographics. It also contains the blood group, Rh type and irregular antibody tests.

12.6 Paternity laboratory

A record is kept of the names of parties presenting for a paternity investigation, this will include their own demographics as well as their racial group for demographic purposes. A paternity report which contains the names of the necessary parties plus all of the relevant tests that were performed as well as a conclusion to the outcome of the paternity investigation will be performed. It will also have a name of a contact court, attorney or relevant person.

12.7 Reagents laboratory

A record is kept of the production of every batch of reagents. This includes the type of reagent, batch number, expiry date and the validity of the reagent for the specified test.

12.8 Quality assurance laboratory

A record is kept of all standard operating procedures, which are used throughout the service. This will include all the relevant procedures by document. A record is kept of all tests performed related to quality throughout the WCBS. This will include the type of material and the test performed. A conclusion as to the validity of the reagent will be added to every report.

12.9 Components production laboratory

A label for the blood unit will be printed which contains all relevant details of the donor. A record is kept as to all of the various components that the unit of blood is divided into.

12.10 Incorporation documents

- The Memorandum of Incorporation of WCBS.
- The WCBS company registration forms and documents.

12.11 Constitution of the Company

- Minutes of general meetings of the members of WCBS.
- Register of directors of WCBS.
- Power of attorney agreements and a list of persons authorised to bind WCBS.
- Statutory register of WCBS.
- License to practice as a blood transfusion service.

12.12 Financial records of WCBS

- Accounting records, books and documents, interim and annual financial reports of WCBS.
- Details of the financial auditors of WCBS.
- Auditor's reports in respect of audits conducted on WCBS.
- Tax returns of WCBS.
- Other financial records of WCBS.
- VAT, PAYE and UIF records.
- Documents relating to employee tax directives.

12.13 Human resources / employment records

- List of employees.
- Employee benefits.
- Other information relating to employees of WCBS.
- Personnel policies.

12.14 Medical Records

All other medical records not previously specified, kept for medico-legal reasons.

12.15 Correspondence

Correspondence with or without third parties.

12.16 Miscellaneous agreements of WCBS

- Agreements relating to trading activities of WCBS.
- Agency, supply and distribution agreements.

13) REQUEST PROCEDURE

13.1 Requester

There are two types of requester:

1. A personal requester is a requester who is seeking access to a record containing personal information about the requester. WCBS will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.
2. The requester (other than a personal requester) is entitled to information in third parties. However, WCBS is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. The requester must complete the prescribed forms and make payment of a request fee and a deposit, if applicable. WCBS will process the request within 30 days. The requester shall be informed, in writing, whether access is granted or denied.

13.2 Forms be used when requesting information from WCBS

WCBS is both a private and public body as envisaged in terms of the Act. The following is a guideline to assist requestors in deciding which form is to be used when requesting information from WCBS in terms of this manual.

13.3 WCBS as a private body

WCBS is not limited to providing blood transfusion services and provides other medical services to the public or private sectors, these services are not within WCBS's function as contained above, such as:

- Employee related matters, for example, information requested for disciplinary hearings; and/or
- Service(s) performed by WCBS blood transfusion services.

A requestor must use **FORM** Annexed hereto to request such information.

13.4 Request

A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, fax number or email address. The requester must provide sufficient detail on the request form to enable an official of WCBS to identify the record requested and the requester. When completing the request on the prescribed form, the requester should also indicate:

- The preferred language if applicable.
- Whether the requester wishes to be informed of the decision in another manner in addition to a written reply.
- A fax number and/or postal address. 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. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requester, if applicable, must pay the prescribed fee, before any further processing can take place.
- The form must be adequately completed, with sufficient particulars so that the official of the WCBS can identify:
 - From where and from whom the request is made;
 - What record(s) are being requested; and
 - What the access fee will be should access be granted.

Requests can be submitted electronically, via fax or posted to WCBS.

14. FEES

The Act provides for two types of fees, namely:

1. A request fee, which will be a standard fee; and
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.

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. 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. A requester, whose request for access to a record has been granted, must pay an 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. 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.

15. DECISION

WCBS will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect. The 30 day period with which the WCBS has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information or the request requires a search for information held at another office of the WCBS and the information cannot reasonably be obtained within the original 30 day period. WCBS will notify the requester in writing should an extension be sought.

16. REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED

- **Internal Remedies**

The WCBS does not have internal appeal procedures, the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the Information Officer.

- **External Remedies**

A requestor that is dissatisfied with an Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to a Court for relief. Likewise, a third party dissatisfied with an Information Officers decision to grant a request for information, may within 30 days of notification of the decision apply to a Court for relief.

17. ARRANGEMENTS OR PROVISIONS FOR A PERSON BY CONSULTATION TO MAKE REPRESENTATIONS OR OTHERWISE TO PARTICIPATE IN OR INFLUENCE A FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY WCBS.

Members of the public who are blood donors influence the formulation of policies of WCBS through their elected representatives

18. RECORDS THAT CANNOT BE FOUND

If WCBS searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

19. INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 14(1)(F)

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

20. INFORMATION REQUIRED IN TERMS OF SECTION 15(2)

The Minister of Justice and Constitutional Development has not published any regulations in this regard.

21. THE PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulations section.

FORM A - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 5(1) of the Promotion of Access to Information Act, 2000) (Act No. 2 of 2000)
[Regulation 10]

A. Particulars of private body

The Information Officer:

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 name and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Email address: _____

Capacity in which the 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 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 the exemption.

Reason for exemption of 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

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 case you will be informed if access will be granted in another form.
- c) The fee payable for access to 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 record

Inspection of record

2) If the record consists of visual images (this includes photographs, slide, video recordings, computer generated images, sketches etc.):

View the images

Copy of the images

Transcription of the images

3) If the record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack		Transcription of the soundtrack (written or printed document)
4) If the 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

- Note - If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage payable.
- Note - If the record is not available in the language you prefer, access may be granted in the language in which the record is available.
- In which language would you prefer the record? _____

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

PRESCRIBED FEES IN RESPECT OF PRIVATE BODIES

The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before WCBS contact persons can make any records requested available to the requester.

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11(1) are as follows:

a) For every photocopy of an A4-size page or part thereof	R 1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R 0.75
c) For copy in a computer readable on compact disk	R70.00
d) For a transcription of visual images, for an A4-size page or part thereof For a copy of visual images	R40.00 R60.00
e) For a transcription of an audio record, for an A4-size page or part thereof For a copy of an audio record	R20.00 R30.00

The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.

The access fees payable by a requester referred to in regulation 11(3) are as follows:

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 electronic or machine readable form	R0.75
c) For a copy in a computer-readable version on compact disk	R70.00
d) For transcription of visual images, for an A4-size page or part thereof For a copy of visual images	R40.00 R60.00
e) For a transcription of an audio record, for an A4-size or part thereof For a copy of an audio record	R20.00 R30.00
f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

For purposes of section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable;
- One third of the access fee is payable as a deposit by the requester;
- The actual postage is payable when a copy of a record must be posted to a requester.