



**MANUAL IN TERMS OF SECTION 51 OF
THE**

**PROMOTION OF ACCESS TO
INFORMATION ACT NO. 2 OF 2000**

FOR

**MBUYU BIOTECH
(1999/000748/07)**

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PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000 ("The Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a Trust compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

INTRODUCTION TO MBUYU BIOTECH

Mbuyu Biotech (Pty) Ltd is a joint venture between Bioventures, a specialist biotechnology venture capital fund, and the CSIR, through its Bio/Chemtek business unit. The entity was established in mid-2003 with the goal of commercializing a number of CSIR developed bio-processing technologies.

Bioventures is South Africa's first niche Biotechnology and Life Sciences Venture Capital Fund. Bioventures was formed during 2001 and began operations in January 2002. The Fund is managed by a company owned by the management team, Java Capital Holdings and Real Africa Holdings.

Bioventures holds a preemptive right to invest independently in any technologies owned by Mbuyu Biotech.

CSIR Bio/Chemtek is a business unit of the CSIR, positioned to provide world-class technology solutions in the food, chemical and biological technology domains. The CSIR (Council for Scientific and Industrial Research) is the largest community and industry directed scientific and technological research, development and implementation organisation in Africa.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of the information.

A copy of this manual is also available on our website: www.mbuyu.co.za

SECTION A : OUR DETAILS

Full Name : Mbuyu Biotech
Company Registration Number : 1999/000748/07
Physical Address : Rentworks Place
Turnberry Office Park
48 Grosvenor Rd
Bryanston
2021
Postal Address : PO Box 75064
Lynnwood Ridge
0040
Telephone : (011) 549-9411
Fax : (011) 549-9230
Designated Information Officer : Chief Executive Officer
Email : paul@mbuyu.co.za
Website address : www.mbuyu.co.za

SECTION B : THE OFFICIAL GUIDE

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. The manner and form of a request for access to information held by a body;
3. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
4. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
5. Schedules of fees to be paid in relation to requests for access to information;
6. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquires regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post : South African Human Rights Commission
Promotion to Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041
Telephone : (011) 484-8300
Fax : (011) 484-0582
Website : www.sahrc.org.za
Email : PAIA@sahrc.org.za

SECTION C : INFORMATION AVAILABLE IN TERMS OF THE ACT

1. We hold the following categories of information:

- a) Statutory Company Information
 - (i) Company Registration Documents
 - (ii) Register of Board Members; and
 - (iii) Resolutions passed at general meeting
- b) Accounting Records
 - (i) Books of account including journals and ledgers; and
 - (ii) Auditors report
- c) Statutory Employee Records
 - (i) List of employee names, occupations and contact details;
 - (ii) Date of birth of each employee; and
- d) Other Employee Records
 - (i) Contract of employment; and
 - (ii) Conditions of employment;
- e) Fixed Property
 - (i) Lease Agreement
- f) Movable Property
 - (i) Asset Register; and
 - (ii) Finance and Lease Agreements
- g) Taxation
 - (i) Copies of all Income Tax Returns and other tax returns and documents.
- h) Insurance
 - (i) Insurance policies;
 - (ii) Claim records; and
 - (iii) Details of insurance coverages, limits and insurers.
- i) Information Technology
 - (i) Hardware;
 - (ii) Operating systems;
 - (iii) Telephone lines and leased lines;
 - (iv) Software packages;
 - (v) Disaster recovery;
 - (vi) Agreements; and
 - (vii) Licenses
- j) Sales and Marketing
 - (i) Brochures;
 - (ii) Newsletters
- k) Intellectual Property
 - (i) Licensing Agreements

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- Our information officer (whose contact details are in Section A of this manual);
- The SAHRC website (www.sahrc.org.za);
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form. Please contact the offices of Mbuyu Biotech for banking details as **no** information will be provided unless proof of payment / confirmation of deposit have been received.

You may also be called upon to pay the additional fee prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

SECTION D : INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- a) Basic Conditions of Employment Act No. 75 of 1997
<http://www.labour.gov.za/docs/legislation/bcea/act75-97.pdf>
- b) Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
<http://www.labour.gov.za/docs/legislation/disease/act61.pdf>
- c) Competition Act No. 89 of 1998
<http://www.acts.co.za/competition/index.htm>
- d) Occupational Health and Safety Act No. 85 of 1993
<http://www.labour.gov.za/docs/legislation/ohsa/act93.085>
- e) Public Finance Management Act No. 1 of 1999
http://www.acts.co.za/public_fin_man/index.htm
- f) Employment Equity Act No. 55 of 1998
<http://www.labour.gov.za/docs/legislation/eea/act98-055.html>
- g) Unemployment Insurance Act of 2001
http://196.25.215.71/legislation_detail.asp?LegislationID=3
- h) Labour Relations Act No. 66 of 1995
<http://www.labour.gov.za/docs/legislation/lra/act95-066.html>
- i) Income Tax Act No. 58 of 1962
<http://www.acts.co.za/tax/index.htm>
- j) Financial Intelligence Centre Act No. 38 of 2001
<http://www.gov.za/gazette/bills/2001/b1-01.pdf>
- k) S A Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
<http://www.gov.za/bills/1998/b114a-98.pdf>
- l) Stamp Duties Act No. 77 of 1968
<http://www.acts.co.za/stamp/index.htm>
- m) Value-added Tax Act No. 89 of 1991
<http://www.acts.co.za/vat/index.htm>

SECTION E : INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in Section A of this manual.

1. Brochures;
2. Posters; and
3. Other literature intended for public viewing.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53[1] of the Promotion of Access to Information Act, 2000
[Act No. 2 of 2000])

[Regulation 10]

A. Particulars of private body

The Head :

B. i) 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, email 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 names and surname : _____

Identity number : _____

Postal Address : _____

_____ code _____

Telephone number : Code _____ Number _____

Facsimile number : Code _____ Number _____

Email address : _____

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

B. ii) Particulars of company/organisation, etc. requesting access to the record

- (a) *The particulars of the company/organisation, etc requesting access to the record must be given below.*
- (b) *The address, email 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 of company/organisation : _____

Postal Address : _____

_____ code _____

Telephone number : Code _____ Number _____

Facsimile number : Code _____ Number _____

Email address : _____

Provide brief description of company : _____

C. Particulars of person on 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 requestor must sign all the additional folios.***

1. Description of record or relevant part of the record: _____

2. Reference number, if available : _____

3. 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 exemption.*

Reason for exemption from 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 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability : _____ _____ _____	Form in which record is required: _____ _____ _____
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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 a 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:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disk)
* if you requested a copy of transcription of a record (above), do you wish the copy of the transcription to be posted to you?		<input type="checkbox"/>	YES
		<input type="checkbox"/>	NO
Postage is payable.			

G. Particulars of right be exercised or protected

* If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requestor must sign all 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 _____

On this _____ day of _____ 20 _____.

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

SIGNATURE OF COMPANY REPRESENTATIVE
IF REQUEST FOR ACCESS IS FOR A COMPANY

**IN THE CASE OF A COMPANY REQUESTING ACCESS TO THE RECORD PLEASE
PROVIDE A COMPANY STAMP HEREUNDER**

ANNEXURE B

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof and R2,20 for an A3 page.

2. Reproduction fees

Reproduction fees¹ apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure A to the Regulations.

3. Access Fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure A to the Regulations.

4. Other fees

- 4.1 A request fee³ of R50,00 is payable by a requestor who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable⁵.
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay postage payable.

1 Section 52(3) and Regulation (1) ;
2 Section 54(7) and Regulation 11(3)
3 Section 54(1) and Regulation 11(2) ;
4 Annexure A, Part III 4(1)(f)
5 Section 54(2)

PART III : FEES IN RESPECT OF PRIVATE BODIES

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

	R
a) For every photocopy of an A4 size page or part thereof	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.....	0,75
c) For a copy in a computer readable form on: i) stifty disc	7,50
ii) compact disc	70,00
d) i) For a transcription of visual images, for an A4 size page or part thereof	40,00
ii) For a copy of visual images	60,00
e) i) For a transcription of an audio record, for an A4 sized page or part thereof	20,00
ii) For a copy of an audio record	30,00

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

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

	R
1. a) For every photocopy of an A4 size page or part thereof	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	0,75
c) For a copy in a computer readable form on:	
i) stifty disc	7,50
ii)compact disc	70,00
d) i) For a transcription of visual images, for an A4 size page or part thereof	40,00
ii) For a copy of visual images	60,00
e) i) For a transcription of an audio record, for an A4 size page or part thereof	20,00
ii) For a copy of an audio record	30,00

- f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation
2. For purposes of section 54 (2) of the Act, the following applies:
 - a) six hours as the hours to be exceeded before a deposit is payable; and
 - b) one third of the access fee is payable as a deposit by the requester.
3. The actual postage is payable when a copy of a record must be posted to a requester.