

PROMOTION OF ACCESS TO INFORMATION ("PAIA") MANUAL

Compiled in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000 ("PAIA") and addressing the requirements of the Protection of Personal Information Act, 4 of 2013 ("POPIA")



Document Owner	HOD: Legal, Risk and Compliance: Nerina Benade (Dallicani)
Version No.	4.0
Approved By	Information Officer: Craig Mitchell
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Physical Address:
15 Alexandra Road, Pinelands,
7405
Cape Town, South Africa
Tel: 021 514 5000

Postal Address:
Private Bag X3, Pinelands,
7405
Cape Town, South Africa
Email: General@biovac.co.za
Website: [Contact Us – Biovac](#)

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1. INTRODUCTION

- 1.1. This Manual is compiled in accordance with section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”) and incorporates the requirements of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (“POPIA”). PAIA was enacted to give effect to the right of access to information as set out in section 32 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), which provides that every person has the right of access to any information held by the State or by another person, where such information is required for the exercise or protection of any rights.
- 1.2. Section 14 of the Constitution further guarantees the right to privacy. This includes a right to protection against the unlawful collection, retention, dissemination, and use of personal information. PAIA and POPIA collectively give effect to these rights by balancing the need for access to information with the need to protect personal information from misuse, abuse, or unauthorized disclosure.
- 1.3. PAIA establishes a statutory right of access to records held by public and private bodies, subject to specific and reasonable limitations aimed at safeguarding privacy, commercial confidentiality, and the effective, transparent functioning of public and private institutions. It sets out detailed procedures to be followed by individuals seeking access to records and creates an obligation on private bodies such as Biovac to publish and maintain an information manual describing the structure of its records, the applicable request procedures, and the rights and obligations of both the institution and the requester.
- 1.4. POPIA complements the rights established under PAIA by regulating the lawful processing of personal information and establishing rights for data subjects, including the right to request access to personal information held by responsible parties, the right to request correction or deletion of personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, and the right to object to certain forms of processing.
- 1.5. Biovac, as a private body, recognises the importance of transparency, accountability, and responsible information governance. This Manual has been developed to give effect to those values in a manner that is consistent with Biovac’s statutory obligations and its operational requirements. It applies to all information and records that are held by Biovac and describes the framework within which access to such information may be obtained lawfully and appropriately.
- 1.6. This Manual is not exhaustive and does not replace the detailed provisions of PAIA or POPIA. Members of the public and other requesters are encouraged to familiarise themselves with

the relevant legislation before submitting a request and may contact Biovac’s Information Officer for further guidance.

2. OBJECTIVE AND FUNCTION OF THE MANUAL

- 2.1. This Manual has been compiled by The Biologicals and Vaccines Institute of Southern Africa (Pty) Ltd t/a Biovac, with registration number 1998/011727/07 (“Biovac”), in accordance with section 51(1) of the Promotion of Access to Information Act, 2000 (“PAIA”), and section 23 of the Protection of Personal Information Act, 2013 (“POPIA”). Its primary function is to enable members of the public, including natural and juristic persons, to access information held by Biovac, subject to applicable procedures and limitations as prescribed by law.
- 2.2. The Manual is intended to fulfil the statutory requirement imposed on all private bodies to facilitate a transparent, accessible, and accountable framework for the exercise of the right to access to information as contemplated in section 32 of the Constitution. It is also designed to support compliance with the conditions for lawful processing of personal information under Chapter 3 of POPIA and the access, correction, and objection rights granted to data subjects in terms of sections 23, 24, and 11 of POPIA.
- 2.3. The specific objectives of this Manual are to:
 - 2.3.1. describe the procedures and conditions under which requesters may request access to records in Biovac’s possession or under its control;
 - 2.3.2. outline the types and categories of information that Biovac holds, including those that are available without a formal PAIA request as contemplated in section 15(1)(a);
 - 2.3.3. provide the contact details and identity of the Information Officer and Deputy Information Officers appointed by Biovac to facilitate compliance with PAIA and POPIA;
 - 2.3.4. describe the rights of data subjects in relation to personal information and the forms to be used when exercising rights to access, correct, delete, or object to processing;
 - 2.3.5. identify and explain the legislative and policy framework under which Biovac operates and processes personal information;
 - 2.3.6. inform requesters of the availability of the PAIA Guide published by the Information Regulator in terms of section 10 of PAIA, as further described in Section 3 of this Manual;
 - 2.3.7. demonstrate Biovac’s commitment to openness and responsible information governance while protecting rights to confidentiality, commercial sensitivity, and privacy.

- 2.4. In accordance with section 18(1)(c) of POPIA, Biovac confirms that it processes personal information only for specific, explicitly defined, and lawful purposes that relate to its functions, services, and operational requirements. The purposes for which Biovac processes personal information include, but are not limited to:
- 2.4.1. managing human resources and employment-related functions, including recruitment, onboarding, payroll, benefits administration, performance management, and workplace discipline;
 - 2.4.2. conducting background checks, security screening, and verification of qualifications and references where necessary and lawful;
 - 2.4.3. fulfilling regulatory obligations, including those arising under the Medicines and Related Substances Act, 1965; the National Health Act, 2003; the Occupational Health and Safety Act, 1993; the Income Tax Act, 1962; and other applicable laws;
 - 2.4.4. administering relationships with suppliers, service providers, distributors, customers, consultants, and other third parties in the ordinary course of Biovac’s business activities;
 - 2.4.5. facilitating health surveillance, reporting, compliance with clinical and pharmacovigilance requirements, and engagement with regulatory authorities including the South African Health Products Regulatory Authority (“SAHPRA”), the Department of Health, the South African Revenue Service (“SARS”), and the Information Regulator;
 - 2.4.6. securing its IT infrastructure, protecting intellectual property, and implementing cybersecurity and access controls;
 - 2.4.7. enabling the development, production, and distribution of health products, vaccines, and related technologies in fulfilment of Biovac’s mission to support national health resilience.
- 2.5. Biovac undertakes to process all personal information in a manner that is reasonable, adequate, relevant, not excessive, and consistent with the conditions for lawful processing as set out in Chapter 3 of POPIA. Any person who wishes to access, correct, or object to the processing of their personal information may do so by following the procedures described in this Manual and using the prescribed forms annexed hereto.
- 2.6. This Manual is made publicly accessible for inspection at Biovac’s registered office, on its website, and through the Information Officer, in compliance with section 51(3)(a) of PAIA. Further details on how to access the manual are provided in Section 4.

3. STATUTORY AMENDMENTS AND COMPLIANCE UPDATES

- 3.1. This section reflects Biovac’s compliance with key statutory updates and interpretive obligations arising from recent amendments to the Promotion of Access to Information Act, 2000 (“PAIA”), including those introduced by the Judicial Matters Amendment Bill, 2024. It also consolidates key regulatory guidance applicable to the exercise of access rights under PAIA and the Protection of Personal Information Act, 2013 (“POPIA”).
- 3.2. In accordance with section 51(1)(b) of PAIA, Biovac confirms that this Manual includes a description of the Guide developed by the Information Regulator in terms of section 10 of PAIA and provides guidance on how to access that Guide, as set out in paragraph 3.8 below.
- 3.3. The Judicial Matters Amendment Bill, 2024 introduced substantive amendments to PAIA, requiring all private bodies to update their manuals and access procedures accordingly. The most relevant changes for Biovac are summarised in paragraphs 3.4 to 3.7 below.
- 3.4. Amendment to Section 14(1)(b)(iii): Link to Automatically Available Records
- 3.4.1. Section 14(1)(b)(iii), as amended, requires that this Manual include a reference to the website address where Biovac publishes the notice contemplated under section 15(1)(a), identifying categories of records that are automatically available without a person having to request access under PAIA.
- 3.4.2. In compliance with this requirement, Biovac confirms that such notice is available online and can be accessed at the following link: [Disclaimer – Biovac](#)
- 3.4.3. These records are also described in detail under the section titled “Automatic Availability of Certain Records” and may be inspected at Biovac’s offices during normal business hours.
- 3.5. Amendment to Section 14(1)(b)(v): Public Participation Provisions
- 3.5.1. The amendment to section 14(1)(b)(v) requires that this Manual include a description of any arrangement made by Biovac to enable public participation in the formulation of policy, the exercise of its powers, or the performance of its duties.
- 3.5.2. Although Biovac is a private body and not generally subject to the participatory obligations of public authorities, it does provide for limited engagement and consultation with relevant stakeholders in the course of:
- 3.5.2.1. its participation in national health initiatives with the Department of Health and its agencies;

- 3.5.2.2. regulatory engagements with the South African Health Products Regulatory Authority (SAHPRA), SANAS, SABS, and the Information Regulator, where consultation and stakeholder input may form part of regulatory processes;
- 3.5.2.3. policy alignment in relation to national vaccination strategies and supply chain obligations that affect public health outcomes;
- 3.5.2.4. corporate social responsibility programmes, where community engagement and public input may be solicited to inform program design.
- 3.5.2.5. Any member of the public wishing to submit comments or make representations regarding such matters may do so by contacting Biovac through its Information Officer at legal@biovac.co.za.

3.6. Amendment to Section 46: Mandatory Disclosure Despite Grounds for Refusal

- 3.6.1. Section 46 of PAIA has been amended to broaden the scope of records that must be disclosed by a private body, even where one or more grounds for refusal may technically apply.
- 3.6.2. In accordance with the amended provision, Biovac’s Information Officer is required to grant access to records falling within the categories referred to in sections 34 to 45 of PAIA if:
 - 3.6.2.1. the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or
 - 3.6.2.2. the disclosure would reveal an imminent and serious public safety or environmental risk; and
 - 3.6.2.3. the public interest in disclosure clearly outweighs the harm contemplated by the refusal ground.
- 3.6.3. Biovac has reviewed and updated its internal access-to-information procedures and Information Officer protocols to ensure that these revised mandatory disclosure provisions are applied correctly and consistently.

3.7. Internal Monitoring and Implementation Controls

- 3.7.1. The Risk and Compliance function at Biovac is responsible for ensuring that PAIA and POPIA compliance obligations are monitored on a continuing basis, including obligations arising from legislative amendments.
- 3.7.2. Internal version control is applied to this Manual to ensure that changes to the legislative

framework, the content of statutory notices, or the contact details of regulatory bodies are accurately reflected in the most recent published version.

- 3.7.3. Biovac undertakes an annual compliance review of this Manual, or more frequently if changes in law, governance, or operations so require.

3.8. The PAIA Guide Published by the Information Regulator

- 3.8.1. Section 51(1)(b) of PAIA requires that this Manual include a description of the Guide compiled by the Information Regulator under section 10 of PAIA, and details on how such a Guide may be obtained.

- 3.8.2. The Guide is intended to assist members of the public in understanding how to exercise their rights under PAIA and POPIA, and includes information on:

- 3.8.2.1. the objectives of PAIA and POPIA;
- 3.8.2.2. the rights of access, correction, and objection;
- 3.8.2.3. the procedures to be followed when making a request for access;
- 3.8.2.4. applicable timeframes and remedies available in the event of refusal;
- 3.8.2.5. the forms prescribed for use under PAIA and POPIA.

- 3.8.3. The Guide is available in all official languages and may be accessed as follows:

- 3.8.3.1. **Website:** <https://www.inforegulator.org.za>

- 3.8.3.2. **Email Requests:** enquiries@inforegulator.org.za or PAIAComplaints@inforegulator.org.za

- 3.8.3.3. **Telephone:** +27 10 023 5200

- 3.8.3.4. **Physical Inspection:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

- 3.8.3.5. A printed copy of the Guide is also available for inspection at Biovac’s registered office during normal business hours. Members of the public are encouraged to consult the Guide before submitting a formal request for access to records.

- 3.8.3.6. In compliance with Regulation 3(1) of the PAIA Regulations, Biovac ensures that a copy of the PAIA Guide is available for public inspection, free of charge, at its registered office, during normal business hours.

4. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

- 4.1. In terms of section 51(1)(b) of PAIA, the head of a private body is required to appoint an Information Officer who is responsible for ensuring compliance with PAIA and POPIA. For purposes of PAIA, the “head” of a private body is defined as the Chief Executive Officer (CEO), or any person duly authorised by the CEO.
- 4.2. The CEO of Biovac has formally delegated his responsibilities as Information Officer to the Chief Financial Officer (CFO) of the company in writing, in accordance with the provisions of PAIA and the Protection of Personal Information Act. This delegation is intended to ensure accessibility, procedural efficiency, and internal compliance with statutory obligations concerning the processing and disclosure of information.
- 4.3. The designated Information Officer is supported by appointed Deputy Information Officers, each of whom has responsibility over particular categories of records within their respective operational domains. All Deputy Information Officers act under the authority and oversight of the designated Information Officer and in accordance with the responsibilities assigned to them under POPIA and PAIA.
- 4.4. The details of the appointed Information Officer and Deputy Information Officers are as follows:
- 4.4.1. Information Officer

Designation	Chief Financial Officer (CFO)
Name	Mr Craig Mitchell
Email Address	craigm@biovac.co.za
Telephone Number	+27 21 514 5000
Physical Address	15 Alexandra Road, Pinelands, Cape Town, 7405
Postal Address	Private Bag X3, Pinelands, Cape Town, 7405

4.4.2. Deputy Information Officers

Name	Information Category	Department
Craig Mitchell	All categories of information	Finance / Executive
Natassia Diergaardt	Financial information	Finance
Marcellino Roberts	Employee and research information	Human Resources / R&D
Nthabiseng Lephatoana	Regulatory Affairs	Regulatory
Nerina Benade (Dallicani)	Legal, Risk and Compliance Information	Legal, Risk and Compliance
Cornelius Coetzer	Information Technology records	Information Technology

- 4.5. Any person wishing to make an access request in terms of PAIA or to exercise a data subject right under POPIA may direct their enquiry or submission to the Information Officer via email or physical delivery. Where applicable, Deputy Information Officers may be consulted by internal stakeholders for category-specific requests and pre-assessments.
- 4.6. Biovac confirms that the registration of the Information Officer and Deputy Information Officers has been completed with the Information Regulator in terms of section 55(2) of POPIA. The Regulator is responsible for maintaining a publicly accessible register of Information Officers and their contact details.
- 4.7. All appointed officers are required to adhere to Biovac's internal information management protocols, disclosure procedures, and training requirements as prescribed by its Compliance and Governance framework. Requests for information are processed in accordance with the statutory timeframes and procedures outlined in this Manual.

5. CONTACT DETAILS OF BIOVAC

- 5.1. In accordance with section 51(1)(a) and section 51(3)(a) of the Promotion of Access to Information Act, 2000 (“PAIA”), Biovac provides the following contact details for the purpose of access to information requests under PAIA and the exercise of rights under the Protection of Personal Information Act, 2013 (“POPIA”).

Registered Company Name	The Biologicals and Vaccines Institute of Southern Africa (Pty) Ltd t/a Biovac
Registration Number	1998/011727/07
Postal Address	Private Bag X3 Pinelands Cape Town 7430 South Africa
Street Address	15 Alexandra Road Pinelands Cape Town 7405 South Africa
Phone number	+27 21 514 5000
Email address	legal@biovac.co.za

- 5.2. Members of the public may use the above contact details to direct requests for access to records in terms of PAIA, or to exercise rights of access, objection, correction, or deletion under POPIA. All formal requests should preferably be addressed to the Information Officer using the contact details set out in Section 4 of this Manual.
- 5.3. Biovac undertakes to ensure that the contact details provided in this section remain accurate and up to date. Any material change will be reflected in a revised version of this Manual, which will be published in accordance with section 51(3) of PAIA.

6. AVAILABILITY OF BIOVAC’S PAIA MANUAL

- 6.1. This Manual is made available in accordance with section 51(3) of the Promotion of Access to Information Act, 2000 (“PAIA”), which requires a private body to make its information manual publicly accessible in multiple formats.

- 6.2. A hard copy of this Manual is available for inspection, free of charge, during normal business hours at Biovac's registered offices:

Physical Address:

15 Alexandra Road
Pinelands
Cape Town
7405
South Africa

- 6.3. A digital copy of the Manual is available on Biovac's official website and may be downloaded free of charge at the following address: [Disclaimer – Biovac](#).
- 6.4. Members of the public may also request a copy of the Manual by contacting the Information Officer directly via email at craigm@biovac.co.za, or through the general company address legal@biovac.co.za. Copies may be provided in electronic or printed format, depending on the requester's preference.
- 6.5. Biovac undertakes to review and update this Manual regularly, or whenever required by changes in law, structure, or operations. The current version of the Manual will remain publicly accessible as required by section 51(3)(c) of PAIA.
- 6.6. Requesters may be liable for fees prescribed under PAIA in respect of access to records or reproduction costs. Where applicable, Biovac may charge:
- 6.6.1. a request fee for processing any non-personal access request;
 - 6.6.2. a reproduction fee for producing printed or electronic copies of records;
 - 6.6.3. a search and preparation fee, if the time required to retrieve and prepare the record exceeds six hours, as per Regulation 11(2) of the PAIA Regulations;
 - 6.6.4. a postage fee, where records are mailed to the requester.
 - 6.6.5. The full schedule of fees applicable to private bodies is set out in **Appendix D** of this Manual. These fees are prescribed in terms of the *PAIA Regulations, 2021 (Annexure B, GN R757 in GG 45057 of 27 August 2021)* and replace all previous fee schedules. Biovac is not permitted to charge any amount in excess of the prescribed statutory fees.

7. SCOPE

- 7.1. This Manual applies to all records in the possession or under the control of Biovac, whether created before or after the commencement of the Promotion of Access to Information Act, 2000 (“PAIA”) or the Protection of Personal Information Act, 2013 (“POPIA”).
- 7.2. It is applicable to:
 - 7.2.1. all information access requests made under PAIA by any person seeking to exercise or protect a right; and
 - 7.2.2. all personal information access, correction, or objection requests made by data subjects in terms of POPIA.
- 7.3. The Manual outlines the procedures to be followed in relation to both:
 - 7.3.1. general access to records under PAIA; and
 - 7.3.2. the rights of data subjects to access and challenge the processing of their personal information, as provided for in sections 11, 23, and 24 of POPIA.
- 7.4. Data subjects seeking to exercise their rights under POPIA must use the forms annexed to this Manual, as prescribed by regulation. These include:
 - 7.4.1. **Appendix B:** Request for Access to Personal Information (POPIA – Section 23); and
 - 7.4.2. **Appendix C:** Objection to Processing of Personal Information (POPIA – Section 11(3)).
- 7.5. This Manual does not apply to information that is explicitly excluded from the application of PAIA or POPIA under section 6 of PAIA and section 6 of POPIA respectively, including records relating to ongoing judicial proceedings or information processed in a purely personal or household context.

8. CONTACT DETAILS FOR REQUESTERS

- 8.1. This section provides requesters with a concise reference point for initiating access to information requests under the Promotion of Access to Information Act, 2000 (“PAIA”) and for exercising their rights as data subjects under the Protection of Personal Information Act, 2013 (“POPIA”).
- 8.2. Requesters are encouraged to consult the Information Officer or the relevant Deputy Information Officer for guidance on the appropriate procedure, required forms, or applicable

fees. The full contact details for the Information Officer and Biovac are provided in Sections 4 and 5 of this Manual.

- 8.3. All formal requests for access to records under PAIA must be submitted in writing using **Form 2**, a copy of which is annexed to this Manual as **Appendix A**.
- 8.4. Requests by data subjects to access their personal information in terms of section 23 of POPIA must be made using the prescribed form annexed as **Appendix B**. Objections to processing must be submitted using the form annexed as **Appendix C**, in accordance with section 11(3) of POPIA.
- 8.5. Requests and forms may be submitted via post, email, or physical delivery to the following address:

Method	Details
Email	craigm@biovac.co.za / legal@biovac.co.za
Physical Address	15 Alexandra Road, Pinelands, Cape Town, 7405
Postal Address	Private Bag X3, Pinelands, Cape Town, 7405
Telephone	+27 21 514 5000
Website	https://www.biovac.co.za

- 8.6. Requesters should ensure that all required information and supporting documents are included with their submission. Requests that are incomplete or submitted on the incorrect form may be returned for correction prior to processing.
- 8.7. In terms of section 51(1)(b) of PAIA, Biovac confirms that the contact details of the Information Regulator are as follows:

Contact Method	Details
Physical Address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg 2001
Postal Address	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone Number	+27 10 023 5200
Email (General)	enquiries@inforegulator.org.za
Email (PAIA Complaints)	PAIAComplaints@inforegulator.org.za
Website	https://www.inforegulator.org.za

- 8.8. The Information Regulator is responsible for monitoring and enforcing compliance with both PAIA and POPIA. Requesters who wish to lodge a complaint or seek guidance regarding their rights may contact the Regulator using the details provided above.

9. APPLICABLE PAIA FORMS

- 9.1. In accordance with the Promotion of Access to Information Act, 2000 (“PAIA”) and the PAIA Regulations, 2021, the following prescribed forms are relevant to the exercise of rights and obligations under this Manual.
- 9.2. **Form 01: Request for a Copy of the PAIA Guide** - Any person may request a copy of the PAIA Guide published by the Information Regulator by completing Form 01. The form is available from the Information Regulator’s website at: <https://inforegulator.org.za/paia-forms>.
- 9.3. **Form 02: Request for Access to a Record** - All requests for access to records of Biovac must be made on Form 02 of Annexure A to the Regulations. A copy of Form 02 is annexed to this Manual as **Appendix A** and may also be downloaded from the Information Regulator’s website.

- 9.4. **Form 03: Outcome of Request and of Fees Payable** - Upon receiving a request, Biovac's Information Officer will communicate the decision and any applicable access fees to the requester using Form 03, as prescribed by the Regulations.
- 9.5. **Form 05: Complaint to the Information Regulator** - Where a requester is dissatisfied with Biovac's decision or the handling of a request, a complaint may be lodged directly with the Information Regulator using Form 05. The form is available at <https://infoeregulator.org.za/paia-forms>.
- 9.6. **Form 13: Compliance Assessment** - The Information Regulator may, in the exercise of its oversight powers, require Biovac to complete Form 13 (Compliance Assessment Form). This form is directed at the body itself and does not require requester completion.
- 9.7. **Form 04: Internal Appeal** - Form 04 applies only to public bodies. As Biovac is a private body, no internal appeal mechanism exists and Form 04 does not apply. Requesters who are dissatisfied with a decision of Biovac may approach a court of competent jurisdiction or lodge a complaint with the Information Regulator in terms of section 78 of PAIA and Regulation 10.

10. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

- 10.1. In terms of section 51(1)(d) of the Promotion of Access to Information Act, 2000 (“PAIA”), this section sets out a non-exhaustive list of South African legislation under which Biovac is required to retain records or may be required to disclose records, in accordance with its statutory obligations.
- 10.2. These records are not automatically available to the public and will only be made available in response to a valid request in terms of PAIA or the Protection of Personal Information Act, 2013 (“POPIA”), subject to applicable grounds for refusal.
- 10.3. Access to records kept in compliance with the statutes listed below is governed both by PAIA and the provisions of the relevant enabling legislation.
- 10.4. The legislation includes, but is not limited to, the following:

Legislation	Reference Number
Basic Conditions of Employment Act	No. 75 of 1997
Broad-Based Black Economic Empowerment Act	No. 53 of 2003
Companies Act	No. 71 of 2008
Compensation for Occupational Injuries and Diseases Act	No. 130 of 1993
Competition Act	No. 89 of 1998
Consumer Protection Act	No. 68 of 2008
Copyright Act	No. 98 of 1978
Debt Collectors Act	No. 114 of 1998
Disaster Management Act	No. 53 of 2005
Electronic Communications Act	No. 36 of 2005
Electronic Communications and Transactions Act	No. 25 of 2002
Employment Equity Act	No. 55 of 1998
Income Tax Act	No. 95 of 1967
Insolvency Act	No. 24 of 1936
Labour Relations Act	No. 66 of 1995

Medicines and Related Substances Act	No. 101 of 1965
National Credit Act	No. 34 of 2005
National Environmental Management Act	No. 107 of 1998
Pharmacy Act	No. 53 of 1974
Patents Act	No. 57 of 1978
Pension Funds Act	No. 24 of 1956
Prevention of Organised Crime Act	No. 121 of 1998
Prevention and Combating of Corrupt Activities Act	No. 12 of 2004
Promotion of Access to Information Act	No. 2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act	No. 4 of 2000
Protection of Personal Information Act	No. 4 of 2013
POPIA Regulations	2018
Skills Development Act	No. 97 of 1998
Occupational Health and Safety Act	No. 29 of 1996
Trade Marks Act	No. 194 of 1993
Unemployment Contributions Act	No. 4 of 2002
Unemployment Insurance Act	No. 63 of 2001

Value-Added Tax Act	No. 107 of 1998
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- 10.5. Biovac undertakes to update this list where new applicable legislation comes into force or current legislation is amended or repealed, in line with its annual review obligations.

11. ACCESS TO RECORDS

- 11.1. In terms of section 50 of the Promotion of Access to Information Act, 2000 (“PAIA”), a requester is entitled to access a record held by Biovac if the following requirements are met:

- 11.1.1. The record is required for the exercise or protection of any rights;
- 11.1.2. The requester complies with the procedural requirements set out in PAIA, including submission of the prescribed request form (Form 2 – see **Appendix A**); and
- 11.1.3. No valid ground of refusal applies in terms of Chapter 4 of PAIA.

- 11.2. Biovac will only consider a request for access once all formal requirements are met and the requester demonstrates, to the satisfaction of the Information Officer, that access to the record is required for the exercise or protection of a legitimate right.

11.3. Categories of Requesters

- 11.3.1. **Personal Requester** – A requester seeking access to a record containing personal information about themselves. If the request is granted, the requester will be required to pay only the prescribed reproduction fees (see **Appendix D**), not the request fee.

- 11.3.2. **Third-Party Requester** – A requester acting on behalf of another person or seeking access to a record about another individual or entity. In this case, appropriate proof of authorisation must be submitted with the request, and the standard request and reproduction fees will apply.

- 11.3.3. **Public Body Requesting Access** – When a public body requests a record from Biovac for the exercise or protection of rights, it must:

- 11.3.3.1. Act in the public interest;
- 11.3.3.2. Comply with PAIA’s procedural requirements;
- 11.3.3.3. Demonstrate that the requested record is required for the exercise or protection of a right;

- 11.3.3.4. Confirm that no grounds for refusal exist.
- 11.3.4. **Legal Representatives** – Attorneys or authorised agents acting on behalf of clients must provide written proof of mandate and comply with the procedural and evidentiary requirements applicable to third-party requests.
- 11.4. Limitations on Access
 - 11.4.1. Access may be refused where the record falls within any of the grounds for refusal set out in PAIA, including but not limited to:
 - 11.4.1.1. Protection of personal privacy (section 63);
 - 11.4.1.2. Commercial confidentiality (section 64);
 - 11.4.1.3. Legal privilege (section 67);
 - 11.4.1.4. Protection of safety, security, or law enforcement processes (sections 66–70).
 - 11.4.2. If access is refused, the requester will be provided with written reasons and informed of the remedies available, as described in Section 17 of this Manual.
- 11.5. Forms of Access
 - 11.5.1. Subject to availability, requesters may request access in the form of a physical copy, inspection, transcription, or in electronic format. Biovac will take reasonable steps to accommodate the preferred format, unless doing so would unreasonably interfere with operations or infringe legal restrictions.
 - 11.5.2. Where applicable, fees for reproduction, preparation, or delivery will be charged as described in **Appendix D**.

12. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

- 12.1. In compliance with section 51(1)(c) of the Promotion of Access to Information Act, 2000 (“PAIA”), this section describes the categories of records that Biovac makes voluntarily available to the public without the need to submit a formal request for access in terms of PAIA.
- 12.2. Although section 15(1)(a) of PAIA applies specifically to public bodies, Biovac adopts a substantially similar approach to facilitate transparency and good governance. However, Biovac is a private body, and this disclosure does not constitute an acceptance of or

submission to the standards or obligations imposed on public bodies under PAIA or any other legislation.

12.3. Automatically available records may be accessed:

12.3.1. by contacting the Information Officer directly; or

12.3.2. by inspection at Biovac’s registered offices during normal business hours.

12.4. Access to these records is free of charge. Reproduction or postage costs may be charged in accordance with the fee structure set out in **Appendix D** of this Manual. No additional notice of availability is provided beyond this Manual.

12.5. The records listed below are routinely made available by Biovac:

CORPORATE COMMUNICATIONS	The Corporate Communications records comprise the following main categories: • Press Releases / Statements
COMPANY SECRETARIAL	The Company Secretarial records comprise the following main categories: • Registration with statutory bodies

13. PROCESSING OF PERSONAL INFORMATION

13.1. This section provides a consolidated account of Biovac’s data processing practices, categories of personal information and data subjects, recipients of personal information, transborder data flows, and security safeguards, as required under the Protection of Personal Information Act, 2013 (“POPIA”), particularly Chapter 3 and section 18.

13.2. Categories of Data Subjects

13.2.1. Biovac processes personal information relating to the following categories of data subjects:

13.2.1.1. Biovac personnel and employees.

13.2.1.2. Third-party business partners.

13.2.1.3. Consultants.

13.2.1.4. Suppliers and vendors.

13.2.1.5. Customers and clients.

13.2.1.6. Patients and clinical trial participants.

13.2.1.7. Contractors and subcontractors.

13.2.1.8. Service providers.

13.2.2. This list is not exhaustive and may expand in accordance with Biovac’s operational or regulatory context.

13.3. Categories of Personal Information Processed

13.3.1. In respect of natural persons, Biovac may process:

13.3.1.1. Full names.

13.3.1.2. Identity numbers.

13.3.1.3. Date of birth.

13.3.1.4. Citizenship and race.

13.3.1.5. Marital status.

13.3.1.6. Contact details, including telephone numbers, email addresses, and physical and postal addresses.

13.3.1.7. Income tax numbers.

13.3.1.8. Banking and financial information.

13.3.1.9. Disability status and health information (where lawfully required).

13.3.1.10. Employment history and academic records.

13.3.1.11. CVs and professional qualifications.

13.3.1.12. Biometric identifiers such as fingerprints.

13.3.1.13. Remuneration and benefit records.

13.3.2. In respect of juristic persons, Biovac may process:

13.3.2.1. Registered name and company registration number.

13.3.2.2. Tax information and compliance status.

13.3.2.3. Contact information, including email and registered address.

13.3.2.4. FICA documentation.

13.3.2.5. B-BBEE certification.

13.3.2.6. Payment records, banking information, and invoices.

13.3.2.7. Contractual agreements.

13.4. Purposes of Processing Personal Information

13.4.1. Biovac processes personal information for one or more of the following lawful purposes:

13.4.1.1. To meet obligations towards customers, employees, and other stakeholders.

13.4.1.2. To enable contract performance, including procurement, employment, and service delivery.

13.4.1.3. To fulfil regulatory and legal obligations imposed by public bodies or statutes.

13.4.1.4. To manage employment equity, benefits, and employee administration.

13.4.1.5. To conduct internal risk, audit, and fraud prevention procedures.

13.4.1.6. To conduct scientific and health-related research, including clinical studies, where lawful and ethically approved.

13.4.2. This processing is conducted in accordance with POPIA’s conditions for lawful processing under Chapter 3.

13.5. Categories of Recipients of Personal Information

13.5.1. Biovac may disclose personal information to the following categories of recipients, subject to lawful processing conditions:

13.5.1.1. Regulatory authorities, including but not limited to:

13.5.1.1.1. South African Health Products Regulatory Authority (SAHPRA);

13.5.1.1.2. South African National Accreditation System (SANAS);

13.5.1.1.3. South African Bureau of Standards (SABS);

13.5.1.1.4. Medicines Pricing Committee;

- 13.5.1.1.5. National Department of Health;
- 13.5.1.1.6. The Information Regulator (South Africa).
- 13.5.1.1.7. Biovac’s parent company or subsidiaries within its group structure.
- 13.5.1.1.8. Third-party service providers who provide payroll, IT, cloud, legal, or audit services.
- 13.5.1.1.9. Pension and medical aid funds to administer employee benefits.
- 13.5.1.1.10. Insurers and underwriters, where required for coverage or claims purposes.
- 13.5.1.1.11. Credit bureaus or verification agencies for due diligence or employment screening.
- 13.5.1.1.12. Law enforcement and public bodies, where disclosure is mandated by law.
- 13.5.1.1.13. Clinical research partners or institutions, subject to confidentiality and ethics requirements.

13.6. Planned Transborder Flows of Personal Information

- 13.6.1. Biovac may, in limited and specific circumstances, transfer personal information to jurisdictions outside the Republic of South Africa. Such transfers are conducted only in compliance with section 72 of the Protection of Personal Information Act, 2013 (“POPIA”).
- 13.6.2. The typical destinations to which Biovac may transfer personal information include:
 - 13.6.2.1. **European Union and United Kingdom** – for regulatory submissions, cloud storage services, and contractual counterparties;
 - 13.6.2.2. **United States of America** – for specialised IT service providers, secure cloud hosting, and regulatory interactions; and
 - 13.6.2.3. **Other jurisdictions** where Biovac’s approved service providers or collaborative research partners are located, subject always to POPIA safeguards.
- 13.6.3. Transborder transfers will only occur where one or more of the following conditions are met:
 - 13.6.3.1. The recipient jurisdiction is subject to laws, binding corporate rules, or agreements that provide an adequate level of protection substantially similar to POPIA;

- 13.6.3.2. The data subject has given explicit consent to the transfer;
- 13.6.3.3. The transfer is necessary for the performance of a contract with the data subject or for pre-contractual steps taken at the data subject’s request;
- 13.6.3.4. The transfer is necessary for the conclusion or performance of a contract in the interest of the data subject between Biovac and a third party; or
- 13.6.3.5. The transfer is required by law or for international cooperation with regulators.
- 13.6.4. Biovac will ensure that all foreign operators or service providers receiving personal information are contractually bound to:
 - 13.6.4.1. Implement appropriate, reasonable technical and organisational measures to safeguard the information;
 - 13.6.4.2. Process the information only for lawful, specified purposes; and
 - 13.6.4.3. Apply safeguards that are substantially similar to those required by POPIA.
- 13.6.5. A register of planned transborder data flows is maintained by Biovac’s Information Officer and is reviewed annually. Data subjects will be notified, where applicable, of the categories of personal information transferred and the jurisdictions to which such transfers occur.
- 13.7. Security Safeguards
 - 13.7.1. Organisational Measures
 - 13.7.2. Biovac has implemented a suite of internal policies and Standard Operating Procedures to ensure confidentiality, integrity, and availability of personal information.
 - 13.7.3. Responsibilities for information governance and access control are delegated across business units.
 - 13.7.4. Third parties are bound contractually to maintain POPIA-compliant safeguards.
- 13.8. Technical Measures
 - 13.8.1. Biovac implements technical controls to protect personal information, including:
 - 13.8.1.1. Anti-virus and End point detection and response (EDR)
 - 13.8.1.2. Network firewalls and intrusion detection.

- 13.8.1.3. Security Information and Event Management (SIEM).
- 13.8.1.4. Role-based access and multifactor authentication.
- 13.8.1.5. Encrypted storage and secure data transmission.
- 13.8.1.6. Email scanning and filter solution
- 13.8.1.7. Monthly patching
- 13.8.1.8. Vulnerability scanning

13.9. Data Sharing Related to Employees

- 13.9.1. Biovac may share employee personal information with the following parties:

- 13.9.1.1. Pension and provident fund administrators and trustees.
- 13.9.1.2. Medical aid schemes.
- 13.9.1.3. Recruitment and background screening providers.
- 13.9.1.4. Credit bureaus, where required.
- 13.9.1.5. SARS and other relevant state authorities.

13.10. Cookies and Similar Technologies

Biovac’s website may use cookies to improve user experience, optimizing security, marketing, communication, analytics, and research. Where such technologies process personal information, Biovac will do so in accordance with POPIA and the applicable website privacy notice.

14. ACCESS, RESTRICTION, DELETION OR CORRECTION OF PERSONAL INFORMATION

- 14.1. This section sets out the formal procedure for submitting a request for access to records held by Biovac, as required under section 53 of the Promotion of Access to Information Act, 2000 (“PAIA”).
- 14.2. A requester must complete the prescribed request form (**Form 2**), which is attached as **Appendix A** to this Manual and submit it to Biovac’s designated Information Officer.
- 14.3. The request must be submitted via email, post, or hand delivery and be addressed to the Information Officer identified in Section 4 of this Manual.

- 14.4. The requester must provide sufficient detail in the request to enable the Information Officer to identify:
 - 14.4.1. The record or records requested.
 - 14.4.2. The identity of the requester.
 - 14.4.3. The form of access required.
 - 14.4.4. The postal address, email address, or fax number of the requester.
 - 14.4.5. The right that the requester is seeking to exercise or protect.
 - 14.4.6. The explanation of why the record is required for the exercise or protection of that right.
- 14.5. The requester must also indicate the preferred method of receiving the decision (e.g., in writing, email, fax) and provide the necessary particulars for such notification.
- 14.6. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer.
- 14.7. If the requester is unable to complete the prescribed request form due to illiteracy or a disability, the requester may make the request orally. In such a case:
 - 14.7.1. The Information Officer will complete the request form on behalf of the requester.
 - 14.7.2. A copy of the completed form will be provided to the requester for confirmation and signature.
 - 14.7.3. If the request is for access to a record containing personal information about the requester, the requester is not required to pay the request fee. In all other cases, a request fee must be paid before the request is processed, in accordance with the fee schedule attached as **Appendix D**.
 - 14.7.4. If the search for the requested record or the preparation thereof requires more than the prescribed hours, a deposit may be requested in terms of section 54 of PAIA. This will be calculated in accordance with the access fee schedule and communicated to the requester.
 - 14.7.5. A requester may lodge an application with a court against the requirement to pay a request fee or deposit, in terms of section 54(3)(b) of PAIA.
 - 14.7.6. The request procedure must be read together with:

- 14.7.6.1. Section 10, which outlines entitlement to access.
- 14.7.6.2. Section 14, which details how Biovac processes and communicates decisions on access requests.
- 14.7.6.3. **Appendix A**, which contains the prescribed request form (**Form 2**).
- 14.8. A request will not be processed unless it complies with the procedural requirements of PAIA and this Manual.

15. REQUEST PROCEDURE

- 15.1. Upon receipt of a completed request for access to a record, Biovac’s Information Officer will evaluate the request in accordance with the Promotion of Access to Information Act, 2000 (“PAIA”) and this Manual.
- 15.2. In terms of section 56(1) of PAIA, the Information Officer must notify the requester in writing of the decision within thirty (30) calendar days of receipt of the request.
- 15.3. Notification of Decision
- 15.4. The Information Officer must notify the requester whether:
 - 15.4.1. Access to the requested record has been granted; or
 - 15.4.2. Access to the requested record has been refused.
 - 15.4.3. If access is granted, the notice must include:
 - 15.4.3.1. The form in which access will be granted.
 - 15.4.3.2. The amount of the access fee payable, if applicable, in accordance with the fee schedule set out in **Appendix D**.
 - 15.4.3.3. The time and manner in which the record will be made available.
 - 15.4.3.4. Notification of the requester’s right to lodge an application with a court against the payment of the access fee and the applicable procedures and timelines.
 - 15.4.4. If access is refused, the notice must include:
 - 15.4.4.1. adequate reasons for the refusal, with reference to the applicable provisions of PAIA; and

15.4.4.2. notification of the remedies available to the requester under Section 17 of this Manual.

15.5. Notification of Extension

15.5.1. If Biovac requires more than thirty (30) calendar days to process the request due to complexity, the number of records, or the need to consult with third parties, the Information Officer may extend the timeframe by an additional thirty (30) days, in terms of section 57 of PAIA.

15.5.2. The requester will be notified of:

15.5.2.1. The fact of the extension.

15.5.2.2. The expected date by which the decision will be communicated.

15.6. Notification of Deposit Requirement

15.6.1. In accordance with section 54(2) of PAIA, if the preparation of the record for disclosure will require more than six hours, Biovac may require the requester to pay a deposit before processing continues.

15.6.2. The deposit amount will be calculated as one third of the anticipated access fee and communicated in writing, in accordance with the applicable fee schedule in **Appendix D**.

15.6.3. The requester will be informed of:

15.6.3.1. the amount of the deposit payable; and

15.6.3.2. the right to lodge an application with a court against the requirement to pay the deposit, and the procedure and timelines for doing so.

15.6.4. If access is ultimately refused, the deposit will be refunded to the requester.

15.7. Withholding of Records Pending Payment

15.7.1. No records will be released until:

15.7.1.1. all applicable access fees and deposits have been paid in full; and

15.7.1.2. proof of payment has been submitted to the Information Officer.

15.8. Method of Notification

- 15.8.1. Notification of decisions will be made using the method indicated by the requester in the request form (**Appendix A**), which may include:
 - 15.8.1.1. Email;
 - 15.8.1.2. Post;
 - 15.8.1.3. Fax; or
 - 15.8.1.4. Any other method agreed upon with the requester.

16. GROUNDS FOR REFUSAL

- 16.1. In accordance with Chapter 4 of the Promotion of Access to Information Act, 2000 (“PAIA”), Biovac may lawfully refuse access to records where doing so is necessary to protect legitimate confidentiality, legal privilege, personal privacy, commercial interests, or public safety.
- 16.2. Access to a requested record will be refused under any of the following circumstances:
 - 16.2.1. Protection of Personal Information of a Third Party (Section 63)

Access will be refused if the record contains personal information about a third party (natural or deceased person), including their identity, contact details, correspondence, or opinions about them, and the disclosure would involve an unreasonable invasion of privacy.
 - 16.2.2. Protection of Commercial Information of a Third Party (Section 64)

Access will be refused if the record contains:

 - 16.2.2.1. Trade secrets of a third party;
 - 16.2.2.2. Financial, commercial, scientific, or technical information, the disclosure of which could cause harm to that third party's commercial or financial interests;
 - 16.2.2.3. Information disclosed in confidence by a third party to Biovac, the disclosure of which could prejudice that party in contractual or other commercial negotiations.
 - 16.2.3. Protection of Confidential Information Subject to a Duty of Confidence (Section 65)

Access will be refused if the record contains information supplied in confidence and the disclosure would constitute a breach of a legal duty of confidence owed to a third party.
 - 16.2.4. Protection of Safety and Security (Sections 66 and 67)

Access may be refused where the disclosure of the record could reasonably be expected to:

- 16.2.4.1. Endanger the life or physical safety of any individual;
- 16.2.4.2. Compromise the security of a building, structure, system, means of transport, or property;
- 16.2.4.3. Prejudice the protection of a person in terms of a witness protection scheme;
- 16.2.4.4. Prejudice or impair the safety of the public.

16.2.5. Protection of Records Privileged from Legal Proceedings (Section 67)

Access will be refused if the record is privileged from production in legal proceedings, unless the privilege has been waived.

16.2.6. Protection of Biovac’s Commercial or Financial Interests (Section 68)

Access may be refused if the record contains:

- 16.2.6.1. Trade secrets of Biovac;
- 16.2.6.2. Financial, commercial, scientific, or technical information, the disclosure of which could harm Biovac’s commercial or financial interests;
- 16.2.6.3. Information which, if disclosed, could put Biovac at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.

16.2.7. Protection of Research Information (Section 69)

- 16.2.7.1. Access may be refused if the record contains information about research being conducted by or on behalf of a third party or Biovac, and the disclosure would likely expose the research or the researcher to serious disadvantage.
- 16.2.7.2. Access will be refused to any record that constitutes a computer program, in terms of the definition under the Copyright Act, 1978.

17. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 17.1. In terms of section 55 of the Promotion of Access to Information Act, 2000 (“PAIA”), if Biovac has conducted a reasonable search for a requested record and it is believed that the record either does not exist or cannot be found, the requester will be notified accordingly.

- 17.2. The Information Officer will issue a formal notice to the requester, which will include:
 - 17.2.1. A statement that the record does not exist or cannot be found.
 - 17.2.2. A description of the steps taken to locate the record.
 - 17.2.3. A statement confirming that all reasonable steps have been taken to find the record or determine its existence.
 - 17.2.4. An indication that, if the record is later found, access will be provided subject to the conditions set out in PAIA.
- 17.3. This notice will have the effect of a refusal under PAIA and will entitle the requester to the remedies set.

18. REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED

- 18.1. If a requester is dissatisfied with Biovac’s decision to refuse access to a record, or with any other decision taken under PAIA, the requester may seek appropriate relief through external legal remedies.
- 18.2. External Remedies for Requesters
 - 18.2.1. In terms of section 78 of PAIA, a requester may lodge an application with a court for appropriate relief within thirty (30) calendar days of receiving notice of the decision.
 - 18.2.2. The application may challenge:
 - 18.2.2.1. A refusal of access to a record.
 - 18.2.2.2. The imposition of a request or access fee.
 - 18.2.2.3. The requirement to pay a deposit.
 - 18.2.2.4. A deemed refusal resulting from failure to respond within the statutory timeframe.
 - 18.2.3. The application must be brought in a court of competent jurisdiction as defined under section 1 of PAIA.
- 18.3. External Remedies for Third Parties
 - 18.3.1. If access to a record is granted and a third party is affected by that decision (for example, where the record contains the third party’s confidential or personal information), that third party may also apply to court within thirty (30) calendar days of being notified of the

decision.

18.3.2. Such application may seek to have the decision to grant access reviewed and set aside.

18.4. Courts with Jurisdiction

18.4.1. The following courts have jurisdiction under PAIA:

18.4.1.1. The High Court of South Africa, or another court of similar status.

18.4.1.2. A Magistrate’s Court designated by the Minister of Justice and Constitutional Development, presided over by a designated magistrate.

19. CLAUSE-BY-CLAUSE POPIA REVIEW TABLE

19.1. This review table cross-references the current manual against key POPIA requirements and highlights areas that may require amendment, clarification, or verification. It is intended as a practical compliance aid and should be read together with the relevant provisions of POPIA and the applicable regulations.

Manual clause / topic	Current position in manual	POPIA issue identified	Risk / impact	Recommended amendment
Sections 2.4 and 12.6 – Purposes of processing	Provides a detailed list of business, employment, regulatory, research, and operational purposes.	The purpose descriptions are strong but should be linked more clearly to data subject notification and, where applicable, lawful justification categories.	A broad purpose list without context may be seen as open-ended or too general.	Retain the list but add wording that processing is limited to specific, explicitly defined, and lawful purposes, and indicate that further notice is given at collection where required.
Section 12.7 – Categories of recipients	Lists regulators, group entities, service providers, benefit funds, insurers, verification agencies, public bodies, and	The section describes recipients but does not clearly distinguish disclosures to operators from disclosures to independent third parties.	The manual may blur accountability lines between operator processing and separate third-party disclosures.	Clarify which recipients act as operators on Biovac’s instructions and which receive information as separate responsible parties or third parties

	research partners.			under law or contract.
Section 12.8 – Transborder flows	Explains that personal information may be transferred outside South Africa and lists example destinations and conditions.	This is broadly aligned, but the wording remains general and should be tightened to reflect section 72 more precisely and consistently.	Over-general wording may create uncertainty about whether all transfers meet POPIA’s cross-border threshold requirements.	Refine the section to state that cross-border transfers occur only where an adequate level of protection, consent, contractual necessity, data subject benefit, or another lawful section 72 basis is present.
Section 12.8.4 – Foreign operators / service providers	States that foreign operators will be contractually bound to use safeguards and process information lawfully.	The section is helpful but should explicitly tie operator obligations to written agreements and immediate breach notification duties.	Operator risk is a major compliance point and under-specification may weaken contractual governance.	Add wording that all operators are bound by written agreements requiring confidentiality, security safeguards, and immediate notification to Biovac where there are reasonable grounds to believe a security compromise occurred.
Section 12.9 – Security safeguards	Contains organisational and technical security controls, including access control, EDR, encryption, patching, SIEM, and contractual safeguards.	The section is substantial but does not expressly describe the duty to identify risks, verify safeguards regularly, update safeguards, or manage operator breach escalation in POPIA terms.	The controls may be sound in practice, but the manual does not fully articulate the legal security framework.	Add text confirming ongoing risk assessment, verification, regular updating of safeguards, and operator breach notification obligations.
Missing topic – Security	No clear standalone section dealing with	POPIA requires notification to the	This is a significant	Insert a dedicated subsection on security

compromise notification	personal information breaches or compromise notification is visible in the manual excerpt reviewed.	Information Regulator and affected data subjects as soon as reasonably possible after a security compromise, subject to lawful limitations.	omission and may leave the manual materially incomplete on data subject remedies and responsible party duties.	compromise notification covering when notice is given, to whom, and the kind of information that may be included.
Section 13 – Access, restriction, deletion or correction of personal information	The heading refers to access, restriction, deletion, or correction, but the visible wording appears focused mainly on PAIA request procedures.	The POPIA rights of access, correction, deletion, and objection are not yet fully operationalised in a stand-alone way.	Data subjects may not understand the POPIA-specific route or the grounds on which they may seek correction or deletion.	Rewrite this section so that POPIA rights are stated separately and clearly, including access to personal information, confirmation of whether data is held, correction, deletion, and objection procedures.
POPIA section 23 access right	The manual mentions access to personal information through appendices and general rights language.	It does not clearly state that the data subject may request confirmation that personal information is held, access to that information or a description of it, and, where applicable, information about third parties who had access.	The access right may be underspecified and users may not know the full scope of what can be requested.	Add a dedicated explanation of the section 23 right, identity verification requirements, possible fees where lawful, and the scope of access available to the data subject.
POPIA section 24 correction / deletion right	The manual refers generally to correction, deletion, and restriction.	It should more precisely list the grounds: inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained	Without the full statutory grounds, the manual may understate the right and create	State the grounds expressly and explain the possible outcomes: correction, deletion, destruction, annotation of dispute, or retention

		information.	confusion.	with supporting evidence.
POPIA section 11 objection right	The manual mentions objection to processing and includes an objection form appendix.	The section should distinguish ordinary objections from direct marketing objections and explain that objections must be made in the prescribed manner.	Users may not understand when objection applies or how it differs from a marketing opt-out.	Clarify the scope of the objection right, when processing must stop, and how this differs from direct marketing consent withdrawal or opt-out.
Missing topic – Direct marketing	No dedicated direct marketing subsection is visible in the current manual excerpt.	POPIA contains specific restrictions on direct marketing by electronic communications, including prior consent requirements and opt-out obligations.	This is a common compliance gap and could expose the business to avoidable regulatory risk.	Add a short standalone direct marketing subsection covering consent, the existing customer exception, one-time consent requests where applicable, sender identification, and opt-out rights.
Complaints and remedies under POPIA	The manual includes Information Regulator contact details and some PAIA remedy language.	POPIA complaints and remedies are not clearly and separately set out for data subjects.	Data subjects may not know how to escalate POPIA concerns or where to complain.	Add a dedicated POPIA complaints subsection explaining that complaints may be lodged with the Information Regulator and include the appropriate contact route and form reference.
General drafting quality and numbering	The manual contains duplicated numbering, section overlap, and some structural	These are not POPIA-specific defects, but they affect clarity and may undermine the reliability of the manual.	Compliance content may be harder to follow, increasing interpretation and	Renumber the affected sections, separate PAIA and POPIA procedures more clearly, and remove

	inconsistencies, especially around sections 12 to 15.		procedural risk.	duplicated or misleading cross-references.
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- 19.1.1. The Constitutional Court (in appropriate matters raising constitutional issues).
- 19.1.2. The choice of forum will depend on the nature of the dispute and the relief sought.
- 19.2. Role of the Information Regulator
 - 19.2.1. Where a request for access to personal information or processing-related complaints arise under POPIA, the requester may also submit a complaint to the Information Regulator.
 - 19.2.2. Contact details for the Information Regulator are provided in Section 7 of this Manual.
- 19.3. Complaint to the Information Regulator
 - 19.3.1. In addition to the remedies set out above, a requester may lodge a complaint with the Information Regulator in terms of section 77A of PAIA and Regulation 10 of the PAIA Regulations, 2021.
 - 19.3.2. Such a complaint must be made using Form 05, prescribed under the Regulations, which is available from the Information Regulator’s website at <https://www.inforegulator.org.za/paia-forms>.
 - 19.3.3. The complaint may relate to Biovac’s decision, a deemed refusal, delays, or any other alleged non-compliance with PAIA or POPIA.

20. UPDATING OF THE MANUAL

- 20.1. In accordance with section 51(2) of the Promotion of Access to Information Act, 2000 (“PAIA”), Biovac shall update this Manual:
 - 20.1.1. at intervals of not more than twelve (12) months; or
 - 20.1.2. whenever Biovac reasonably believes that material changes have occurred which affect the content of the Manual; or
 - 20.1.3. upon instruction by the Information Regulator or any other competent authority.
- 20.2. Updates may include, but are not limited to:

- 20.2.1. Changes to the contact details of Biovac or its Information Officer.
- 20.2.2. Revisions to internal procedures affecting access to records or the processing of personal information.
- 20.2.3. Adjustments to comply with amendments to PAIA, POPIA, or related regulations.
- 20.2.4. Updates to the fee schedule prescribed under the PAIA Regulations.
- 20.3. The most recent version of the Manual will be:
 - 20.3.1. Published on Biovac’s website at <https://www.biovac.co.za>; and
 - 20.3.2. Available for inspection at Biovac’s registered office during normal business hours.
 - 20.3.3. Submitted to the Information Regulator upon request.

APPENDIX A

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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Mark with an "X"

☐

Request is made in my own name person.

☐

Request is made on behalf of another

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	
Street Address	
E-mail Address	

Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

- a) *A request fee must be paid before the request will be considered.*
 b) *You will be notified of the amount of the access fee to be paid.*
 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

 Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

APPENDIX B

REQUEST FOR CORRECTION OR DELETION OF PERSONAL DATA

Section 24 (1) of POPIA and regulation 3 of the POPIA Regulations stipulates that a Data Subject may request for their Personal Information to be corrected/deleted as held by Biovac. Generally, the request will be handled free of charge, but if it shows to be manifestly unfounded, excessive, or repetitive, a reasonable fee based on the administrative cost of providing the information will be charged.

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Please fill out the details below and we will get back to you on or before 30 calendar days upon receipt of a fully completed form, proof of identity and other required documents, if applicable. The documentation should be sent to the following address:

Biovac
15 Alexandra Road
Pinelands
Cape Town
7405
South Africa

DETAILS OF THE PERSON REQUESTING AMENDMENT, CORRECTION OR ERASURE	
Full Name	
Address	
Date of Birth	
E-mail	
Contact Details	
YOUR ROLE (tick the relevant box)	
☐	I am the Data Subject

☐	I am not the Data Subject, though I am acting on behalf of the Data Subject by virtue of a power of attorney.
☐	I am not the Data Subject, but I am acting on behalf of a Data Subject as a parent or legal guardian.
PROOF OF IDENTITY AND AUTHORITY SUBMITTED	
☐	Identity Document
☐	Passport
☐	Driving License
☐	Power of Attorney
AMENDMENT	
☐	I want to amend my personal data (proof of identity must be provided).
☐	I want to amend personal data concerning a Data Subject that I am acting on behalf of (proof of identity of the representative, a power of attorneys and proof of identity of the Data Subject must be provided).
☐	I want to amend personal data concerning a Data Subject that I am a parent/legal guardian (proof of identity or evidence of parent or legal guardian must be provided).
☐	I want to amend personal data concerning a Data Subject to whom am acting on behalf of (proof of identity of the representative, power of attorney and proof of identity of the Data Subject must be provided).
Type of personal data to be amended:	
Describe the amendment:	
CORRECTION	
☐	I want to correct my personal data (proof must be provided).
☐	I want to correct personal data concerning a data subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the data subject must be provided).

☐	I wish to correct personal data concerning a data subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Type of personal data to be amended:	
Describe the amendment:	
ERASE	
☐	I want to erase my personal data (proof of identity must be provided).
☐	I want to erase personal data concerning a data subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the data subject must be provided).
☐	I want to erase personal data concerning a data subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Describe the type of personal data to be erased:	

By signing this form, you confirm that the information you have provided is correct to the best of your knowledge and that you are the person to whom it relates or that you are legally entitled to act on behalf of such person. You understand that it may be necessary to obtain further information to comply with this request.

Signature: _____

Date: _____

APPENDIX C**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION**

Objection to the Processing of Personal Information in Terms of Section 11(3) Of the Protection of Personal Information Act, 2013 (Act No. 4 Of 2013)

Regulations Relating to The Protection of Personal Information, 2017, Regulation 2(1)

DETAILS OF DATA SUBJECT	
Full Name (Name and Surname)	
Address (residential, postal, or business)	
Date of Birth	
E-mail	
Contact Details (Phone number)	
Fax number	
DETAILS OF RESPONSIBLE PARTY	
Name and Surname of Responsible Person (natural person), Private or Public Body	
Address (residential, postal, or business)	
Phone number	
Fax Number	
E-mail	
Reasons for Objection (Please provide full details)	

Note:

- If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- Affidavits or other documentary affidavit to support the objection needs to be attached. The documentation should be sent to the following address: Information Officer: **Craig Mitchell, 15 Alexandra Road, Pinelands, Cape Town, South Africa.**

Signed at this day of20.....

.....

Signature of data subject (applicant)

APPENDIX D

PREScribed FEES IN RESPECT OF PRIVATE BODIES

This fee schedule is prescribed in terms of the Promotion of Access to Information Act, 2000 (PAIA) and the PAIA Regulations, 2021 (Annexure B, GN R757 in Government Gazette 45057 of 27 August 2021).

All requesters, other than a personal requester, are required to pay the prescribed request fee before a request will be processed. Further access fees may be payable for reproduction, search, preparation, or delivery. No fees are charged for inspecting records at Biovac’s offices.

1. The **request fee** payable by every requester other than a personal requester is **R140.00**
2. Requesters are required to pay fees for accessing records, which include fees associated with search, preparation reproduction of the requested documents. The breakdown is as follows:

Description	Fees to be Charged
For every photocopy of an A4-size page or part thereof	R2.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic/machine-readable form	R2.00
For a copy in computer-readable form on: Flash drive (provided to by requester)	R40.00
For a copy in computer-readable form on: Compact disc (provided by requester)	R40.00
For a copy in computer-readable form on: Compact disc (provided to requester)	R60.00
Transcription of visual images, per A4-size page	R24.00
Copy of visual images	R60.00
Transcription of an audio record, per A4-size page	R30.00
Search and preparation of the record for disclosure.	R145.00 Per hour of part thereof, excluding the first hour, reasonably required for the search and preparation. * (Maximum search and

	preparation fee (capped) R435.00
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Postage fees have to be paid by the requester for the delivery of their records in the case of private bodies.

3. A **deposit** is payable if, in the opinion of the Information Officer, the search and preparation of a record would require more than the hours prescribed for this purpose. The following applies:
 - 3.1. Six hours as the hours to be exceeded before a deposit is payable; and
 - 3.2. One third of the access fee is payable as a deposit by the requester.
4. The **actual postage cost** is payable when a copy of a record must be posted to a requester.