

PAIA AND POPIA INFORMATION MANUAL

ONDERSTEPSPOORT BIOLOGICAL PRODUCTS

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 <i>CHIEF SCIENTIFIC OFFICER</i>		
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EDITION NO.	SECTION AFFECTED/REFERENCE	DATE
01	NEW DOCUMENT	25 July 2021
02	WHOLE DOCUMENT REVIEWED	

1. INTRODUCTION, PURPOSE AND SCOPE

1.1 INTRODUCTION

1.1.1 This information manual ("the Manual") is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA" / "the Act"), and addresses the requirements of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ("POPI").

1.1.2 PAIA gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

1.1.3 The purpose of PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.

1.2 PURPOSE

The purpose of this Manual is to set out the procedures to be followed and criteria that have to be met for anyone (the "requester") to request access to records in the possession or under the control of OBP.

1.3 SCOPE

The Policy applies to all OBP employees, directors, sub-contractors, agents, and appointees. The provisions of the Policy are applicable to both on and off-site processing of personal information.

2. POLICY REVIEW

The policy for POPI will be reviewed every two (2) years and / or following any legislative, regulatory or business changes.

3. APPLICABLE DOCUMENTS

The following documents were used as guidelines in the establishing of this procedure within OBP.

- PAIA
- POPI Act
- Quality Management System ISO 9001:2015

4. DEFINITIONS AND ABBREVIATIONS

4.1 DEFINITIONS

CEO	In relation to a body corporate or an enterprise conducted by the State, means a person who is responsible for the overall management and control of the business or such body corporate or enterprise.
Company	Onderstepoort Biological Products SOC Ltd (OBP)
Consent	the voluntary, specific and informed expression of will.
Data Subject	the natural or juristic person to whom the Personal Information relates.
Employees	refers to any person who works for or provides services to or on behalf of OBP and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for OBP. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers.
Information Officer	The person responsible for collecting, retaining, disseminating and using of a person/s Personal Information.
PAIA	Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
Personal Information	means information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person. As more clearly defined in clause 7 of this document
POPI	Protection of Personal Information Act 4 of 2013
Processing	an operation or activity, whether or not by automatic means, concerning Personal Information;

5. INFORMATION OFFICERS AND CONTACT DETAILS

5.1 In terms of PAIA, the Chief Executive Officer, or equivalent officer, of a public body is designated as the information officer. The details of OBP’s Information Officer are as follows:

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The Chief Executive Officer,
100 Old Soutpan Road, Onderstepoort, Pretoria, South Africa.
Tel: +27 (0) 12 522 1500
Email: luvuyo@obpvaccines.co.za

- 5.2 The Chief Executive Officer has, in terms of section 17(3) of PAIA, delegated the powers and duties conferred and imposed on him/her by the Act to

Advocate Pieter van der Sandt, who shall perform functions of Deputy Information Officer. The details of OBP's deputy information are as follows:

- 5.3 The Head of Legal & Company Secretary / Legal has the delegated power to perform functions of Deputy Information Officer in respect of Requests directed to OBP. Such requests must be directed to the Deputy Information Officer as follows:

Deputy Information Officer
The Chief Legal Officer
100 Old Soutpan Road, Onderstepoort, Pretoria, South Africa.
Tel: +27 (0) 12 522 1500
Email: pieterS@obpvaccines.co.za

- 5.4 Complaints to the Information Regulator should be submitted to:
The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein
Johannesburg, 2001
P.O. Box 31533, Braamfontein, Johannesburg, 2017
Complaints e-mail: Complaints.IR@justice.gov.za

6. WHAT CONSTITUTES PERSONAL INFORMATION

Personal Information is broadly defined in POPI as meaning information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to:

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or

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confidential nature or further correspondence that would reveal the contents of the original correspondence;

- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal Personal Information about the person.

7. PROCESSING OF PERSONAL INFORMATION

7.1. Purpose of Processing

OBP uses the Personal Information under its care in the following ways:

- Conducting credit reference checks and assessments
- Administration of agreements
- Providing products and services to customers
- Discounting and asset funding purposes
- Detecting and prevention of fraud, crime, money laundering and other malpractice
- Conducting market or customer satisfaction research
- Marketing and sales
- In connection with legal proceedings
- Staff administration
- Keeping of accounts and records
- Complying with legal and regulatory requirements
- Profiling data subjects for the purposes of direct marketing

7.2. Categories of Data Subjects and their Personal Information

OBP may possess records relating to suppliers, shareholders, contractors service providers, staff and customers:

Entity Type	Personal Information Processed
Customers: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence
Customer – Juristic Persons / Entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Contracted Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Employees / Directors	Gender; pregnancy; marital status; colour, race; age; language; education information; financial information; employment history; ID number;

physical and postal address; contact details; opinions; criminal record; well-being
--

7.3. Categories of Recipients for Processing the Personal Information

OBP may share the Personal Information with its agents, affiliates, and associated companies who may use this information to send the Data Subject information on products and services. OBP may supply the Personal Information to any party to whom OBP may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to customers;
- Conducting due diligence checks;
- Administration of the Medical Aid and Pension Schemes.

7.4. Actual or Planned Transborder Flows of Personal Information

Personal Information may be transmitted transborder to OBP’s authorised dealers and its suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. OBP will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

7.5. Retention of Personal Information Records

OBP may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information OBP shall retain the Personal Information records to the extent permitted or required by law.

7.6. General Description of Information Security Measures

OBP employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of OBP are contracted to implement security controls.

8. HOW TO REQUEST ACCESS TO RECORDS

The following steps must be considered before submitting a request:

8.1 Step 1: Are you entitled to use PAIA to request access?

8.1.1 Please take note of section 7(1) of PAIA which states:

"This Act does not apply to a record of a public body or a private body if –

- a) that record is requested for the purpose of criminal or civil proceedings;

- b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law."

8.1.2 If section 7(1) applies, you may not bring a request in terms of PAIA. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in.

8.1.3 Please have regard to section 45 of PAIA which entitles OBP to refuse a request for access to a record if: (a) the request is manifestly frivolous or vexatious; or (b) the work involved in processing the request would substantially and unreasonably divert the resources of OBP.

8.2 Step 2: Does the Information requested exist in the form of a record?

8.2.1 Please note that PAIA only applies to records which are in existence at the time of receiving the request.

8.2.2 PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, PAIA cannot be used to obtain reasons for a decision taken by OBP if such reasons have not been recorded.

8.2.3 If you are not sure whether the record exists, please indicate as such in the relevant request form.

8.3 Step 3: Is the record in the possession or under the control of OBP?

8.3.1 OBP is a large organisation and the search for records requested may involve substantial time, resources and expenses.

8.3.2 PAIA provides that the record requested must be in the possession or under the control of OBP. However, for the purposes of this Act, a record in the possession or under the control of (a) an OBP official or (b) an independent contractor engaged by OBP, is regarded as being a record of OBP.

8.3.3 Section 45(b) of PAIA entitles OBP to refuse a request for access to a record if the work involved in processing the request would substantially and unreasonably divert the resources of OBP.

8.4 Step 4: Should you bring the request in terms of Part 2 or 3 of PAIA?

8.4.1 OBP is a public body as referred to in subsection (b)(ii) of the definition of a public body in PAIA. For purposes of PAIA, OBP should always be regarded as a public body, even where it does not exercise a "public power".

8.4.4 The provisions of PAIA relating to public bodies will therefore always apply to OBP.

8.5 Step 5: Form of Request

8.5.1 As stated above, OBP is regarded as a public body for purposes of PAIA.

8.5.2 Requests for access to records held by OBP must only be made on the request form prescribed by the Act, a copy of which is attached as **Annexure 1**.

9.1. REMEDIES AVAILABLE IF REQUEST FOR ACCESS TO PERSONAL INFORMATION IS REFUSED

9.1.1. Internal Remedies

OBP does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

9.1.2. External Remedies

A requestor that is dissatisfied with the information officer’s refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer’s decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

9.2. Grounds for Refusal

The grounds of refusal are outlined in Chapter 4 of Part 2 of PAIA, and include mandatory protection of:

- Commercial information of a third party;
- Certain confidential information;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Research information of a third party, and protection of research information of a public body; or
- Certain information regarding the operations of public bodies. The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

Records that cannot be found or do not exist

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

10 PRESCRIBED FEES

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PAIA sets out two types of fees, namely a request fee and an access fee, that are required to be paid prior to OBP processing the request for information.

- 10.1 A personal requester, i.e. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester will be required to pay such fee, subject to the exemptions listed below.
- 10.2 Applicable fees are as follows:-
 - 10.2.1 The fees for reproduction of this manual and records are listed in **Annexure 2**;
 - 10.2.2 The request fee payable by every requestor, other than a personal requestor is listed in **Annexure 2**;
 - 10.2.3 The access fees payable by a requester referred to section 22(7), unless exempted under section 22(8) of PAIA, are listed in **Annexure 2**.
- 10.3 The following persons are exempted from paying request and access fees:
 - 10.3.1 A single person whose annual income, after permissible deductions does not exceed R14 712.00 per annum; and
 - 10.3.2 Married persons or a person and his or her life partner whose annual income after permissible deductions does not exceed R27 192.00 per annum.
- 10.4 Fees are also not payable under the following circumstances:
 - 10.4.1 Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure, exceeds the amount charged, such fee does not apply.
 - 10.4.2 The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester.
 - 10.4.3 The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

11 RECORDS AUTOMATICALLY AVAILABLE

We hereby provide you with a list of record categories that are automatically available to requesters without a person having to request access in terms of PAIA, as required by section 15.

A: COPIES OF RECORDS AUTOMATICALLY AVAILABLE FOR FREE

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No	Description
1.	<ul style="list-style-type: none"> • Annual financial Statements of OBP SOC Ltd; and • Annual Report of OBP SOC Ltd
2.	Documentation and information relating to OBP SOC Ltd which is held by the Registrar of Companies

Copies of all records listed above are only available for free subject to available stock in print at any given time. Access to these records will be granted to requesters in respect of a request for access to records, subject to the provisions of the Promotion of Access to Information Act, 2000.

B: RECORDS AUTOMATICALLY AVAILABLE SUBJECT TO PAYMENT OF PRESCRIBED FEE

No	Description
1.	All documents relating to the incorporation of OBP SOC Ltd.
2.	Details of auditors of OBP SOC Ltd.
3.	Details of actuaries of the pension scheme and the medical aid funds utilized by OBP SOC Ltd.
4.	Rules of benefit, housing and medical schemes and funds.
5.	Newsletters.

12. RECORDS HELD BY OBP

OBP SOC Ltd maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

12.1 Internal records

The following are records pertaining to OBP's own affairs:

- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of OBP.

12.2 Employee records

Personnel records include the following:

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- a) Any personal records provided to OBP by their personnel;
- b) Any records a third party has provided to OBP about any of their personnel;
- c) Conditions of employment and other personnel-related contractual and quasi-legal records;
- d) Internal evaluation records; and
- e) Other internal records and correspondence.

12.3 Work-related records

Work-related information includes the following:

- a) Any records a third party has provided to OBP; and
- b) Records generated by or within OBP pertaining to work or services, including transactional records.

12.4 Other Parties

Records are kept in respect of other parties, including without limitation customers, contractors, suppliers, state departments, service providers. Alternatively, such other parties may possess records which can be said to belong to OBP. The following records fall under this category:

- a) Personnel, work or service related records which are held by another party as opposed to being held by OBP; and
- b) Records held by OBP pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

13. ADMINISTERING AND OVERSEEING THE IMPLEMENTATION OF THIS POLICY

- 13.1 The Board/Management and Information Officer are responsible for administering and overseeing the implementation of this policy and, as applicable, supporting guidelines, standard operating procedures, notices, consents and appropriate related documents and processes.
- 13.2 All Employees, subsidiaries, business units, departments and individuals directly associated with are to be trained, according to their functions, in the regulatory requirements, policies and guidelines that govern the protection of Personal Information.

CHIEF EXECUTIVE OFFICER

DATE

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ANNEXURE 1: REQUEST FORM PUBLIC BODIES

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This annexure must accompany the cover letter addressed to the relevant Information Officer

A. PARTICULARS OF OBP

The Information Officer: [Name of Deputy Information Officer as indicated above]

Email address: [Email address of Deputy Information Officer as indicated]

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a) The particulars of the person who requests access to the record must be given below.
- b) The address and/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:

Telephone number: _____

Email address: _____

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

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if request for information is made on behalf of another person

Full names and surname:

Identity number: _____

D. PARTICULARS OF RECORD

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you to enable the record to be located.
- b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- c) (c) The requester must sign all additional

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

2. Reference number, if available:

3. Any further particulars of record:

folios _____

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 fees 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 fee:

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required

Disability: required	Form in which record is
Mark the appropriate box with an X: NOTES: <ul style="list-style-type: none"> 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 for the record, if any, will be determined partly by the form in which access is requested. 	

1. If the record is in written or printed form:

Copy of record*		inspection of record
-----------------	--	----------------------

2. If record consist of visual images: this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	View images		Copy of the images		Transcription of images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
--	---	--	--

4. If record is held on computer or in an electronic or machine-readable form:

	Printed copy of record*		printed copy of information derived from the record		copy in computer readable form* (floppy, stifty or compact disk)
--	-------------------------	--	---	--	--

If you requested a copy or transcription of a record (above) do you wish the copy or transcription to be posted to you? Postage is payable.	Yes	No
---	-----	----

G. NOTICE OF DECISION REGARDING REQUEST OF ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this ___ day of _____ 20__

Signature of requester/
person on whose behalf is made

FOR OBP INTERNAL USE ONLY
Reference number: Deputy Information Officer: Requester fee (if any): R Deposit (if any): R Access fee: R
_____ SIGNATURE OF DEPUTY INFORMATION OFFICER

ANNEXURE 2: FEES IN RESPECT OF PUBLIC BODIES DESCRIPTION

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ONDERSTEPOORT BIOLOGICAL PRODUCTS

PAIA AND POPIA INFORMATION MANUAL

1.	The fee for a copy of the manual as contemplated in regulation 5 (c) - for every photocopy of an A4-size page or part thereof.	0,60
2.	The fees for reproduction referred to in regulation 7 (1) are as follows:	
a)	For every photocopy of an A4-size page or part thereof	0,60
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,40
c)	For a copy in a computer-readable form on:	
i	Compact disc	40,00
d) i)	For a transcription of visual images, for an A4-size page or part thereof	22,00
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	12,00
ii)	For a copy of audio record	17,00
3.	The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2)	35,00
4.	The access fees payable by requester referred to in regulation 7 (3) are as follows:	
4.1 (a)	For every photocopy of an A4-size page or part thereof	0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c)	For a copy in a computer-readable form on: Compact disc	40,00
(d) (i)	For transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii)	For a copy of an audio record	17,00
(f)	To search for and prepare the record and disclosure, R 15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

4.2	For purposes of section 22 (2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester	