

PAIA MANUAL PREPARED IN ACCORDANCE WITH SECTION
51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2
OF 2002 (“THE ACT”)

1. PURPOSE OF THE PAIA MANUAL

- The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.
- Section 9 of the PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 1..1. Limitations aimed at the reasonable protection of privacy;
 - 1..2. Commercial confidentiality; and
 - 1..3. Effective, efficient and good governance;

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

- Dr HJ Landman and / or Dr Hilda Landman Inc (the “Practice”) is a specialist medical practice functioning within the health sector and is a healthcare professional registered under the Health Professions Act 56 of 1974 and is subject to the rules and regulations of the Health Professions Council of South Africa (HSPCA). Accordingly, additional regulations regarding access to information held by the practice may apply.
- This PAIA Manual complies with the requirements as set out in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible for regulation and compliance with the Act. The Information Officer and Deputy Information Officers details are as contained in clause 2 below.

2. DETAILS OF THE INFORMATION OFFICER AND PRACTICE DETAILS

Information Officer Details

Name: Dr Hilda Landman

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Deputy Information Officer Details

Name: Jolene Sinden

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Practice Details

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Postal Address: 9 Old Stellenbosch Road, Somerset West

Physical Address: 9 Old Stellenbosch Road, Somerset West

Website: <https://www.ozone-aesthetics.com>

3. SA HUMAN RIGHTS COMMISSION

- PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC whose contact details are as follows:

Physical Address:	132 Adderley Street, Cape Town, 8000
Contact Number:	021 426 2277
Email Address:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

4. RECORDS AVAILABLE UPON REQUEST

Subjects and Categories of Records Available only on Request to Access in Terms of Section 51(1) (e) of PAIA

- Records held by the Practice

For the purposes of this clause “Personnel” refers to any person who works for, or provides services to, or on behalf of the Practice and receives or is entitled to receive remuneration therefore and includes any person who assists in carrying out or conducting the business of the Practice and includes but is not limited to directors (executive and non-executive), locums, all permanent, temporary and part-time staff, as well as contract workers.

This clause serves as a reference to the categories of information that may be held by the Practice and is classified and grouped according to records relating to the following subjects:

<u>SUBJECT</u>	<u>CATEGORY</u>
Client / Patient records	Patient information Patient lists Health records Consents Needs assessments Agreements Financial and accounts information Research information Evaluation records Medical reports Test results Referrals

	Profiling or similar information
Records held in terms of the Companies Act	<p>Documents of Incorporation</p> <p>Index of names of Directors</p> <p>Memorandum of Incorporation</p> <p>Minutes of meetings of the Board of Directors</p> <p>Minutes of meetings of Shareholders</p> <p>Proxy forms</p> <p>Register of debenture-holders</p> <p>Register of shareholdings</p> <p>Share certificates</p> <p>Share Register and other statutory registers and/or records and/or documents</p> <p>Special resolutions</p> <p>General resolutions</p> <p>Records relating to the appointment of Auditors, Directors, Prescribed Officers, Public Officer and Secretary</p>
Financial Records	<p>Annual Financial reports and statements</p> <p>Asset register</p> <p>Bank statements</p> <p>Banking details and bank accounts</p> <p>Banking Records</p> <p>Debtors / Creditors statements and invoices</p> <p>General ledgers and subsidiary ledgers</p> <p>General reconciliation</p> <p>Invoices</p>
Income Tax Records	<p>PAYE Records</p> <p>Documents issued to employees for income tax purposes</p> <p>Records of payments made to SARS on behalf of employees</p> <p>All other statutory compliances</p> <p>VAT</p> <p>Regional Services Levies</p> <p>Skills Development Levies UIF</p>

	Workmen's Compensation
Personnel Documents	Accident books and records Address Lists Disciplinary Codes and Records Employee benefits Employment contracts Employment Equity Plans Leave forms Medical aid records Payroll records Pension fund records
Procurement Department	Supplier Agreements Supplier details, products and services
Sales Department	Customer names, addresses, identity / registration numbers
Marketing department	Advertising and promotional material
IT Department	Electronic communications policy Hardware asset register Security policy Software licensing Disaster Recovery Plans

- **NOTE:** The provision of records requested may be subject to refusal on the grounds as set out in Section 4 of PAIA which is more fully expounded in clause 6 hereunder.
- **NOTE FURTHER:** in addition to the above, in the health sector, personal and patient information is protected by legislation and ethical rules. Disclosure can only take place, if at all, within the respective legislative framework.
- Records Available without a Request to Access in terms of the Act
- Records of a public nature;

- Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.
- Description of the Records of the Body Which are Available in Accordance with any other Legislation

4..1. Where applicable to its operations, the Practice also retains records and documents in terms of the following legislation. Although every effort has been made to include all relevant legislation, it is possible that this list is not exhaustive:

- Auditing Professions Act, No 26 of 2005;
- Basic Conditions of Employment Act, No 75 of 1997;
- Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- Business Act, No 71 of 1991;
- Children's Act 38 of 2005
- Companies Act, No 71 of 2008;
- Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- Competition Act, No.71 of 2008;
- Constitution of the Republic of South Africa 2008;
- Consumer Protection Act 68 of 2008;
- Copyright Act, No 98 of 1978;
- Electronic Communications Act, No 36 of 2005;
- Electronic Communications and Transactions Act, No 25 of 2002;
- Employment Equity Act, No 55 of 1998;
- Financial Intelligence Centre Act, No 38 of 2001;
- Health Professions Act 56 of 1974
- Identification Act, No. 68 of 1997;
- Income Tax Act, No 58 of 1962;
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Labour Relations Act, No 66 of 1995;
- Long Term Insurance Act, No 52 of 1998;

- Medical Schemes Act 121 of 1998
- Medicines and Related Substances Act 101 of 1964
- Mental Healthcare Act 17 of 2002
- National Health Act 61 of 2003
- Occupational Health & Safety Act, No 85 of 1993;
- Pension Funds Act, No 24 of 1956;
- Prescription Act, No 68 of 1969;
- Prevention of Organised Crime Act, No 121 of 1998;
- Promotion of Access to Information Act, No 2 of 2000;
- Protection of Personal Information Act, No. 4 of 2013;
- Revenue laws Second Amendment Act. No 61 of 2008;
- Skills Development Levies Act No. 9 of 1999;
- Short-term Insurance Act No. 53 of 1998;
- Unemployment Insurance Contributions Act 4 of 2002;
- Unemployment Insurance Act No. 30 of 1966;
- Value Added Tax Act 89 of 1991.

5. HOW TO REQUEST ACCESS TO INFORMATION IN TERMS OF PAIA

- The requester must comply with all the procedural requirements contained in the ss 53 -61 of PAIA relating to the request for access to a record.
- The requester must complete the prescribed form C enclosed herewith and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address or electronic mail address as noted in clause 2 above.
- The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

5..1. the record or records requested;

5..2. the identity of the requester;

5..3. indicate which form of access is required;

5..4. specify a postal address or email address of the requester in the Republic;

5..5. state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is that is to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

- The Practice will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that urgency exists in which case, every effort will be made to comply with the request expeditiously.
- The requester shall be advised in writing whether access to the requested information is granted or denied as well as providing reasons for the decision taken.
- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requester must pay the prescribed fee, before any further processing can take place.
- All information as listed in clause 5 herein must be supplied upon application failing which the request may be delayed and / or denied. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

6. REFUSAL OF RECORDS

- In terms of Section 44 – 45 of PAIA the Practice is entitled to refuse a request for information should the request relate to:
 - a. mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - b. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
 - c. mandatory protection of the commercial information of a third party if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. information disclosed in confidence by a third party to the Practice, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - d. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - e. mandatory protection of the safety of individuals and the protection of property;

- f. mandatory protection of records which would be regarded as privileged in legal proceedings.
- The commercial activities of a private body, such as the Practice, which may include:
 - a. trade secrets;
 - b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Practice;
 - c. information which, if disclosed could put the Practice at a disadvantage in negotiations or commercial competition;
 - e. a computer program which is owned by the Practice, and which is protected by copyright;
 - f. the research information of the Practice or a third party, if its disclosure would disclose the identity of the Practice, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

7. REMEDIES AVAILABLE WHEN THE PRACTICE REFUSES A REQUEST

- The Practice does not have an internal appeal procedure available and should a requester be dissatisfied with the decision of the Information Officer, external remedies will have to be followed.
- The External remedies available to a requester are as follows:
 - 7..1. Within 30 (thirty) days of notification of the Information Officers decision, apply to Court for relief.
 - 7..2. A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

NOTE: For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

8. PRESCRIBED FEES

- The act provides for a request fee in the amount of R50.00 to be submitted together with the duly completed form C. This fee is non-refundable and should the request for access to information be approved, further fees shall be payable in accordance with the provisions of PAIA and as advertised from time to time in the Government Gazette. An itemised fee structure can be obtained on the South African Human Rights Commission website (<http://www.sahrc.org.za>) and a copy thereof is attached hereto.

NOTE: Access to information, once approved, will only be provided upon receipt of all prescribed fees payable.