

PAIA MANUAL

In terms of Section 51 of the Promotion of Access to Information Act No 2 of 2000 as amended ("the Act") as read with the protection of Personal Information Act No 4 of 2013 ("POPIA")

FOR

DR. V. MPUMLWANA INC

T/A

FERTILITY AND WOMEN'S HEALTH CENTRE

and its subsidiaries, divisions and associated companies

1. Purpose

1. The purpose of this document is to serve as the Manual for Fertility and Women's Health Centre, a company as constituted by Dr V Mpumlwana Inc, physical address, 3 Zenmed Centre, 58 Madeira Street, Mthatha, and its subsidiaries, divisions and associated companies from time to time as required in terms of the Act and provide a reference as to the records held and the procedures that need to be followed to request access to such records.
2. This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 ("PAIA"), incorporating the requirements of the Protection of Personal Information Act, 2013 ("POPI").

2. PAIA

1. PAIA gives third parties the right to approach private bodies to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body is obliged to release such information unless PAIA expressly states that the records containing such information may or must not be released.

2. This manual will help you get understand the information we hold and how to access it if necessary. We are required in terms of PAIA to make this manual available to you so you can see what type of information we have, as well as how you can request to get access to it.

3. OUR DETAILS

3.1 DR TEMBISA TINI INC

Company name	Dr Vulikhaya Mpumlwana Inc t/a Fertility and Women's Health Centre
Physical Address	3 Zenmed Centre, 58 Madeira Street, Mthatha, 5099
Telephone Number	+27 47 532 4186
Cell Number	064 769 0975
Contact email address for the company	info@fertilityhealth.co.za
Website	www.fertilityhealth.co.za

3.2 Contact details: Section 51(1)(a)

- 3.2.1 The Director : Chief Information Officer of Dr V Mpumlwana Inc, as Head of Fertility and Women's Health Centre, as defined in the Act and in accordance with a resolution of the Dr Tembisa Tini Inc Board has duly authorised the contact person below to ensure that the Act is complied with *vis-a-vis* the Inc:
- 3.2.2 Contact Person: Vulikhaya Mpumlwana
- 3.2.3 Designation: Director / Chief Information Officer
- 3.2.4 Physical Address :
3 Zenmed Centre, 58 Madeira Street, Mthatha, 5099
- 3.2.5 Email address : info@fertilityhealth.co.za
- 3.2.6 Website address : www.fertilityhealth.co.za
- 3.2.7 Where relevant, assistance may be provided by Deputy Information Officers as appointed by the Chief Information Officer.

4. Access to Information Section

- 4.1 The Act 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. For purposes of the Act, Fertility and Women's Health Centre and all its subsidiaries are private bodies.
- 4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. Please see details below.

5. Further guidance on how you can get access to information

- 5.1 If you, as a Requester, would like to find out more information about PAIA you can contact the South African Human Rights Commission ("SAHRC") who have compiled a guide in terms of Section 10 of the Act, in each official language on how to exercise any right contemplated in PAIA and for the purposes of exercising Constitutional Rights. If you want to get the guide, the SAHRC can be contacted on either 011 484 8300 or via their website www.sahrc.org.za. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.
- 5.2 If you want to get the guide, the SAHRC or have any enquiries regarding this guide and its contents please contact:

5.3 The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department) Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

[Website: www.sahrc.org.za](http://www.sahrc.org.za)

[E-mail: PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za) or, alternatively, its successor

5.4 The Information Regulator (South Africa)

SALU Building, 316 Thabo Sehume Street, Pretoria Ms. Mmamoroke Mphelo

Tel: 012 406 4818

Fax: 086 500 3351

[E-mail: infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

6. How you can request Access to Information

- 6.1 In order to comply with our obligations in terms of PAIA we have authorised and designated the Chief Information Officer referred to above to deal with all matters relating to PAIA. In order to request access to a record please complete the Request for Access Form (Form C) which is available at www.sahrc.org.za (please see copy attached) and submit it to the Inc at its physical address, its fax number or general contact email address provided above for the attention of the Inc Information officer.
- 6.2 When making a request you will need to provide sufficient details to enable the Inc to identify:
- 6.2.1 The record(s) requested;
 - 6.2.2 The requester (and if an agent is lodging the request, proof of capacity);
 - 6.2.3 The form of access requires:
 - 6.2.2.1 The postal address, email address or fax number of the requester in the Republic;
 - 6.2.2.2 If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof;
- 6.3 The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

- 6.4 Please take note of the following guidelines when completing the Request for Access to Record of a Private Body (Form C):
- 6.5 The form must be completed by filling in all lines and spaces;
- 6.6 Proof of the identity, in the form of a copy of the applicant's identity document, is required to be submitted with the application;
- 6.7 If the applicant is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached;
- 6.8 Type or print in a clear eligible manner, if a question does not apply indicate so by inserting "N/A" in response to that question, and if there is nothing to disclose in response to a particular question write "NIL" in response thereto;
- 6.9 If there is insufficient space in the form, add additional folios on which the additional information is provided, clearly indicating to which question this relates.

7. The records we hold

A description of the records held by the Inc, as required by PAIA, is set out in the table below.

CATEGORIES OF RECORDS ON EACH SUBJECT	FORM HELD	AVAILABILITY
1. Secretarial Records		
Incorporation Documents	Electronic and physical	Automatically available
Names of Directors	Electronic and physical	Automatically available
Salaries of Directors	Electronic and physical	Not automatically available
2. Financial Records of the Inc		
Financial statements	Electronic and physical	Not automatically available
Documents relating to taxation of the Inc	Physical	Not automatically available
Financial Agreements	Physical	Not automatically available
Banking Details	Electronic and physical	Automatically available. Send email to practice@drtini.co.za
3. Insurance		
Insurance Policies held by the Inc	Physical	Not automatically available
CATEGORIES OF RECORDS ON EACH SUBJECT	FORM HELD	AVAILABILITY
Register of all immovable property owned by the Inc	Physical	Not automatically available
4. Employees		

List of Employees	Electronic and physical	Not automatically available
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Personal information of employees	Electronic and physical	Not automatically available
Employee contracts of employment	Electronic and physical	Not automatically available
Pension Funds & Provident Fund	Electronic and physical	Not automatically available
Salaries of Employees	Electronic and physical	Not automatically available
Leave records	Physical	Not automatically available
5. Policies and Directives		
Internal relating to employees and the Inc	Electronic and Physical	Not automatically available
External relating to clients and other third Parties	Electronic and Physical	Not automatically available
6. Agreements or Contracts		
Standard Agreements	Physical	Not automatically available
Contracts concluded with customers	Physical	Not automatically available
NDA's	Physical	Not automatically available
Letter's of Intent, MOU's	Physical	Not automatically available
Third party contracts (such as Supplier agreements, Service Agreements etc.)	Physical	Not automatically available
Office management contracts	Physical	Not automatically available
Supplier contracts	Physical	Not automatically available
7. Regulatory		
Permits, Licences or Authorities	Physical	Not automatically available
8. Published Information		
External Newsletters and Circulars	Electronic and Physical	Automatically available
Internal Newsletters and Circulars	Electronic and Physical	Not automatically available
Information on the Inc published by third parties	Electronic and/or Physical	Not automatically available
9. Customer Information		
Customer Details	Electronic and Physical	Not automatically available
Contact details of individuals within Customers	Electronic and Physical	Not automatically available
Communications with customers	Electronic and physical	Not automatically available

8. Information we hold to comply with the law

We hold information in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant legislation is applicable and which therefore makes disclosure of records compulsory):

1. Basic Conditions of Employment, No. 75 of 1997;
2. Broad-based Black Economic Empowerment Act, No. 53 of 2003;
3. Companies Act, No. 761 of 2008;
4. Consumer Protection Act, No 68 of 2008;
5. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
6. Competition Act, No. 89 of 1998;
7. Financial Intelligence Centre Act, No. 38 of 2001;
8. Electronic Communications and Transactions Act;
9. Employment Equity Act, No. 55 of 1998;
10. Hazardous Substances Act, No. 15 of 1973;
11. Income Tax Act, No. 95 of 1967;
12. Labour Relations Act, No. 66 of 1995;
13. Medical Schemes Act, No. 131 of 1998;
14. Medicines and Related Substances Act, No.15 of 1973;
15. National Credit Act No 34 of 2005;
16. National Environment Management Act, No. 107 of 1998;
17. National Health Act, No. 61 of 2003;
18. Occupational Health and Safety Act No. 85 of 1993;
19. Pension Funds Act No. 24 of 1956;
20. Promotion of Access to Information Act No. 2 of 2000;
21. Protected Disclosures Act No. 26 of 2000
22. Protection of Personal Information Act, No. 4 of 2013;
23. Tax on Retirement Funds Act, No. 38 of 1996;
24. Unemployment Contributions Act, No. 4 of 2002;
25. Unemployment Insurance Act, No. 63 of 2001; and
26. Value Added Tax Act No. 89 of 1991.

9. Other Information as may be Prescribed

The Minister of Justice and Constitutional Development has not made any regulations in terms of section 51(f) of the Act prescribing additional information.

10. What happens after you submit your Request for Access Form

- 10.1 Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the applicant access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in Part 3 Chapter 4 of the Act.

- 10.2 Please note further that if it is reasonably suspected that an applicant has obtained access to a record on the basis of the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such applicant.
- 10.3 Subject to an extension referred to below, you will be notified in writing whether your request has been approved or denied within 30 (thirty) calendar days after we have received a completed Request for Access Form.
- 10.4 Applicants must take note that in terms of the Act, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).
- 10.5 A decision will be made on the request and the applicant will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

11. Grounds for refusal to access

- 11.1 In terms of PAIA we are allowed to refuse you access to certain documents.
- 11.2 Grounds on which the Inc may refuse you access include:
- 11.2.1 Protecting personal information that the Inc hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
 - 11.2.2 Protecting commercial information that the Inc holds about a third party or the Inc (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Inc or the third party);
 - 11.2.3 If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
 - 11.2.4 If disclosure of the record would endanger the life or physical safety of an individual;
 - 11.2.5 If disclosure of the record would prejudice or impair the security of property or means of transport;
 - 11.2.6 If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
 - 11.2.7 If disclosure of the record would prejudice or impair the protection of the safety of the public;
 - 11.2.8 The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
 - 11.2.9 Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Inc;
 - 11.2.10 Disclosure of the record would put the Inc at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
 - 11.2.11 The record is a computer programme; and/or
 - 11.2.12 The record contains information about research being carried out or about to be carried out on behalf of a third party of the Inc.

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

11.4 If access is requested to a record that contains information about a third party, the Inc is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third party furnishing reasons for the support or denial of access, our designated Inc Information Officer will consider these reasons in determining whether access should be granted, or not.

12. In what form we will give you access

If your request for access to records of the Inc is approved, we will determine how we will provide access to you, unless you have requested access in a specific form.

13. How much it will cost you

Section 52 (3) of the Act states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule which is available at www.sahrc.org.za .

13.1 The following applies to requests:

13.1.1 A requestor is required to pay the prescribed fees before a request will be processed;

13.1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

13.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

13.1.4 Records may be withheld until the fees have been paid.

13.2 In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under the Act.

13.3 The requester will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work involved, the account details and of the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

14. Processing Personal Information

14.1 In terms of the POPIA we are required to detail how and what personal information we process.

14.2 We process many different kinds of personal information, mainly names, numbers, age, address, and purchasing activities and history on our website for the proper and effective operation thereof and all aspects of providing our products services to you.

- 14.3 We provide your information to sellers of products or services and to other third parties which are involved in the payment, delivery, purchase and marketing of our website, products and services.
- 14.4 We also provide your information to trusted third party service providers involved in the development and operation of the business, website and products and services.
- 14.5 We only process the personal information of people in South Africa who are older than 18 (eighteen).
- 14.6 Full details of our privacy practices can be found in our Privacy Notice which is available on our website www.drtni.co.za

15. Actual or Planned Trans border Flows of Personal Information

- 15.1 We do not plan to transfer personal information across borders out of South Africa but we may do so with third party cloud storage providers to secure or backup our data, or for technical reasons. The nature of cloud computing means that some data may be transferred across borders.
- 15.2 We will only transfer data to other countries who have similar privacy and data protection laws as our own.

16. General Description of Information Security Measures

- 16.1 The Inc employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:
- 16.1.1 firewalls;
 - 16.1.2 virus protection software and update protocols;
 - 16.1.3 logical and physical access control;
 - 16.1.4 secure setup of hardware and software making up the IT infrastructure;
- 16.2 All software is kept up to date with the following additional security measures in place:
- 16.2.1 Advanced Firewall
 - 16.2.2 Malware Detection (Antivirus)
 - 16.2.3 Proactive Defence
 - 16.2.4 Patch Management
 - 16.2.5 Reputation Management
- 16.3 Outsourced Service Providers who process Personal Information on behalf of the Inc may be contracted to implement security controls. They will at all times do so only in terms of our Privacy Notice.

NOTE

1. Compliance with your request in the specified form may depend on the form in which the record is available.
2. 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.
3. 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*	of	inspection of record
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2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

view the images	copy of the images"	transcription of the 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
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4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record*	of	printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)
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'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
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17. Particulars of right to be exercised or protected

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

17.1 Indicate which right is to be exercised or protected:

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

18. Notice of decision regarding request for access

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

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

Signed at..... this day of..... 20.....

PERSON ON

SIGNATURE OF REQUESTER / WHOSE BEHALF REQUEST IS MADE