

PAIA Manual

of

Focus on Health (Pty) Ltd

Initial approval date	30 June 2021
Revision number	1
Date of last review	30 June 2021
Date of next review	30 June 2022

Table of Contents

1. INTRODUCTION TO THE COMPANY	2
2. CONTACT DETAILS.....	2
3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR	2
4. RECORDS.....	3
5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION	4
6. RECORDS AUTOMATICALLY AVAILABLE	5
7. PURPOSE OF PROCESSING PERSONAL INFORMATION	5
8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION	6
9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION	8
10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION.....	8
11. PROCEDURE TO OBTAIN ACCESS TO RECORDS OR INFORMATION.....	9
12. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION.....	9
13. AVAILABILITY OF THIS MANUAL	9
ANNEXURE A: INFORMATION AND RECORD REQUEST FORM	10
ANNEXURE B: FEES	11

1. INTRODUCTION TO THE COMPANY

Focus on Health (Pty) Ltd is a private company, which provides training to registered health care practitioners within the contexts of Continuing Professional Development (CPD) and dispensing, POPIA as well as related products and services. The company is subject to various laws protecting the privacy and confidentiality of data subjects including the Protection of Personal Information Act (Act 4 of 2013) and the Consumer Protection Act (Act 68 of 2008).

2. CONTACT DETAILS

Company Name: Focus on Health (Pty) Ltd

Registration Number: 2009/018898/07

Director of the Company: Mr DD van Zyl

Information Officer: Mr DD van Zyl

Physical Address: 400 Theuns van Niekerk Street, Bakenkop Medical Centre, Wierda Park, Centurion, 0149

Postal Address: P.O. Box 71, Wierda Park, Centurion, 0149

Telephone Number: 012 653 0133

E-mail address: info@foh-cpd.co.za

Website address: <https://foh-cpd.co.za/>

3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR

The South African Human Rights Commission (“SAHRC”) / Information Regulator compiled a Guide, in terms of Section 10 of the Promotion of Access to Information Act (Act 2 of 2000) (“PAIA”), to assist persons wishing to exercise their rights in terms of this Act. This Guide is available in all the official languages and contains, amongst others, the following information:

- The purpose of PAIA;
- The manner, form and costs of a request for access to information held by a body;
- Legal remedies when access to information is denied;
- When access to information may be denied; and
- The contact details of Information Officers in the national, provincial and local government.

Any person wishing to obtain the Guide may either access it through the website of the SAHRC at <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf> or should contact the Information Regulator at:

Physical address: 33 Hoofd Street, Forum III, 3rd Floor Braampark, Braamfontein, Johannesburg

Postal address: PO Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 (0) 10 023 5207 / +27 (0) 82 746 4173

E-mail address: infoereg@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/>

The publication of the abovementioned Guide will be the responsibility of the Information Regulator with effect from 30 June 2021.

4. RECORDS

The company holds the following categories of records:

4.1 Records relating to the form of company:

Documents related to the establishment of the company, such as documents required in terms of the Companies Act 71 of 2008 / a partnership agreement / a shareholders' agreement; other statutory records; governance documents (e.g. company policies); minutes of meetings and other related documents.

4.2 Company management records:

Documentation relevant to the management structure and the management of the company; protocols, guidelines and related documentation in respect of the management of clients and potential clients.

4.3 Employment / Appointment records:

Employment contracts; conditions of employment and work place policies; employment equity and skills development plans and reports; attendance records; salary and wage register; performance management records; collective agreements; complaints and disciplinary records; relevant tax records; training records; leave records; correspondence.

4.4 Client records:

Title; name(s) and surname; identity number; date of birth; gender; professional board and registration number with statutory body; mobile- and work number; email address; employer name and place of employment; position or role in the company or practice; qualifications; specialisation and interests; curriculum vitae; references; banking details in the case of a debit order; physical address; Individual Activity Records; CPD certificates from other providers; correspondence.

4.5 Health and safety records:

Evacuation plan; information related to the Health and Safety Committee / health and safety officer; and health and safety incident reports.

4.6 Financial records:

South African Revenue Services ("SARS") registration; Annual Financial Statements; auditor's reports; accounting records; bank statements; invoices, statements, receipts and related documents; VAT records; tax returns and related documentation.

4.7 Records related to assets:

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; title deeds.

4.8 Agreements:

Agreements (and related documentation) with contractors, consultants, suppliers and vendors.

4.9 Public and private body records:

Documents published in the public domain; correspondence.

4.10 Legal records:

Legal opinions and advice; complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, mediation, and arbitration.

4.11 Insurance records:

Insurance policies and related records.

5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The company as may be required in terms of the following legislation subject to the specific protection offered by these laws:

1. Basic Conditions of Employment Act 75 of 1997;
2. Children's Act 38 of 2005;
3. Companies Act 71 of 2008;
4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
5. Consumer Protection Act 68 of 2008;

6. Disaster Management Act 57 of 2002;
7. Electronic Communications and Transactions Act 25 of 2002;
8. Employment Equity Act 55 of 1998;
9. Health Professions Act 56 of 1974;
10. Income Tax Act 58 of 1962;
11. Labour Relations Act 66 of 1995;
12. Medical Schemes Act 131 of 1998;
13. Medicines and Related Substances Act 101 of 1965;
14. National Health Act 61 of 2003;
15. Occupational Health and Safety Act 85 of 1993;
16. Promotion of Access to Information Act 2 of 2000;
17. Protection of Personal Information Act 4 of 2013;
18. Road Accident Fund Act 56 of 1996;
19. Skills Development Levies Act 9 of 1999;
20. Skills Development Act 97 of 1998;
21. Unemployment Contributions Act 4 of 2002;
22. Unemployment Insurance Act 63 of 2001; and
23. Value Added Tax Act 89 of 1991.

6. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the company to the Minister of Justice and Correctional Services regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the company is automatically available without having to request access in terms of PAIA. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Statement of the company.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

The company processes personal information of data subjects for the following purposes:

1. to enrol you for a dispensing our other course with an accredited service provider;
2. to conduct a status update of your dispensing license with the Department of Health or other licensing authority;
3. to check your registration and / or payment status with your statutory body, or to register you on an online portal of such a statutory body with the aim of inter alia, uploading your proof of compliance with CPD requirements with your consent;

4. to enrol you for the company's CPD program ;
5. to prepare and print prescription and sick note pads;
6. for administrative purposes, including preparing your CPD material, invoices and collecting payment for services rendered;
7. for record-keeping;
8. for historical, statistical and research purposes;
9. as proof;
10. for enforcement of the company's rights;
11. for any other lawful purpose related to the activities of the company
12. as may be requested or authorised by you.

8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION

The company holds the categories of records and personal information in respect of the categories of data subjects specified below. The potential recipients of the personal information processed by the company are also specified. Information and records are only disclosed as may be necessary in the circumstances and authorised in terms of the law or otherwise with the consent of the relevant data subjects.

8.1 Clients and Employees

Categories of personal information:

Title; Names and surnames; Curriculum Vitae ("CVs"); contact details; identity numbers / dates of birth; race; gender; qualifications; registered professions and category of registration; statutory council registration numbers; employment history and related information; position and job description; bank details; relevant information on criminal behaviour; complaint and disciplinary-related information; records created in the performance of their duties; tax numbers and related tax information; leave records; remuneration; employment benefits; absenteeism information; references; opinions; health and safety-related incidents; professional board and registration number with statutory body; mobile- and work number; email address; employer name and place of employment; position or role in the company or practice; qualifications; specialisation and interests; banking details in the case of a debit order; physical address; Individual Activity Records; CPD certificates from other providers; correspondence.

Potential Recipients:

Company owners; SARS; relevant statutory and other public bodies (e.g. Department of Employment and Labour, Department of Health, Health Professions Council of South Africa); Companies and

Intellectual Property Commission (“CIPC”); contractors, service providers and suppliers; legal and professional advisers; auditors; executors of estates; purchaser of company.

8.2 Job Applicants

Categories of personal information:

Names and surnames; Curriculum Vitae (CVs); contact details; identity numbers / dates of birth; race; gender; nationality; qualifications; employment history and related information; relevant health information; relevant information on criminal behaviour; vetting reports; interview notes; references; correspondence.

Potential Recipients:

Company owners and relevant other employees; vetting agencies; legal and professional advisers; auditors; purchaser of company.

8.3 Contractors, Vendors and Suppliers

Categories of personal information:

Names and surnames; organisation names and details; relevant staff / office bearer details; contact details; website addresses; opinions; correspondence; COVID-19-related information; market information; price structures; financial arrangements; bank details; VAT numbers; Broad-Based Black Economic Empowerment (BBBEE) related information.

Potential Recipients:

Banks; auditors; legal and professional advisers; purchaser of company.

8.4 Insurers

Categories of personal information:

Names and contact details; premiums; correspondence.

Potential Recipients:

Auditors; legal and professional advisers; relevant public bodies; purchaser of the company.

8.5 Public and private bodies (e.g. regulators)

Categories of personal information:

Names; contact details; office bearers; fee / benefit structures; rules; information published in public domain; payment-related information (e.g. remittances, statements); correspondence.

Potential Recipients:

Legal and professional advisers; patients; debt collectors; auditors; public; employees; purchaser of the company.

9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

The company stores electronic information, including personal information of data subjects, in the 'cloud', the servers of which may be located outside of the borders of the Republic of South Africa. Due care is taken in the selection of appropriate cloud service providers to ensure compliance with the law and protect the privacy of data subjects. The company is not planning to send any other personal information about any data subject to any other third party in a foreign country. Should this be required, relevant data subject consent will be obtained, where required, and transfers of such information will occur in accordance with the requirements of the law.

10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

The company is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best practices. The measures it adopts to ensure the security of personal information, includes technical and organisational measures and internal policies to prevent unauthorised access, loss or use of personal information, for example, the physical securing of the offices where information is held; locking of cabinets with physical records; password control to access electronic records, which passwords are regularly updated; server access control; and off-site data back-ups. In addition, only those employees that require access to the information to deliver a product or service and their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the company requiring them to implement appropriate security measures and to maintain the confidentiality of the information. Contractors are required to adhere to the strict policies and processes implemented by the company and are subject to sanctions for any security breach. All security breaches are taken seriously and are addressed in accordance with

the law.

11. PROCEDURE TO OBTAIN ACCESS TO RECORDS OR INFORMATION

The fact that information and records are held by the company as listed in this Manual should not be construed as conferring upon any requester any right to that information or record. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any right. If a public body lodges a request, the public body must be acting in the public interest. Access to records and information is not automatic. Any person, who would like to request access to any of the above records or information, is required to complete a request form, which is attached to this Manual as **Annexure A**, and pay the prescribed fees as referenced below. The request form is also available from -

- the Information Officer of the company at the contact details stipulated above; and
- the Information Regulator at the contact details stipulated above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must identify the right he/she is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right. 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 satisfaction of the Information Officer. Access to the requested records or information or parts of the records or information may be refused in terms of the law. Requesters will be advised of the outcome of their requests.

12. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION

The fees for requesting and accessing information and records held by the company are prescribed in terms of PAIA. The fees payable, which may be amended from time to time in accordance with notices published in the Government Gazette, are attached hereto as **Annexure B**. Details of the fees payable and any change to such fees may be obtained from the Information Officer. The fees are also available on the website of the Information Regulator. A requester may be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

13. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available for inspection, free of charge, at the company and on its website. A copy of the Manual may also be requested from the Information Officer against payment of the appropriate fee, which may be obtained from the Information Officer.

ANNEXURE A: INFORMATION AND RECORD REQUEST FORM



Annexure A.pdf

https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

ANNEXURE B: FEES



Annexure B.pdf

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>