

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

DATE OF COMPILATION: 01/12/2021

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. DEFINITIONS AND INTERPRETATIONS

2.1 Definition

- 2.1.1 **“Access fee”** means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;
- 2.1.2 **“Data subject”** means the person to whom personal information relates;
- 2.1.3 **“Deputy Information Officer”** means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request;
- 2.1.4 **“Guide”** means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;

2.1.5 **“Head”** of, or in relation to, a private body means –

- (a) **in the case of a natural person**, including a person referred to in paragraph (c) of the definition of “political party”, that natural person or any person duly authorised by that natural person;
- (b) **in the case of a partnership**, any partner of the partnership or any person duly authorised by the partnership;
- (c) **in the case of a juristic person –**
 - (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer;
 - (ii) or the person who is acting as such or any person duly authorised by such acting person; or
- (d) in the case of political party, the leader of the political party or any person duly authorised by that leader;

2.1.6 **“Human Rights Commission”** means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;

2.1.7 **“Information Officer”** In relation to, a private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;

2.1.8 **“Information Regulator”** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

2.1.9 **“Internal appeal”** means an internal appeal to the relevant authority in terms of section 74;

2.1.10 **“Minister”** means the Cabinet member responsible for the administration of justice;

2.1.11 **“Person”** means a natural person or a juristic person;

2.1.12 **“Personal information”** means information relating to an identifiable natural 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, email address, physical address, telephone number, location information, online identifier or other particular assigned 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 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;
- (h) and 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 information about the person, but excludes information about an individual who has been dead for more than 20 years;

2.1.13 **“Private body”** means –

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession;
- (c) or any former or existing juristic person; or a political party but excludes a public body;

2.1.14 **“Public body”** means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government;
- (b) or any other functionary or institution when -
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution;
 - (ii) or exercising a public power or performing a public function in terms of any legislation;

2.1.15 **“Record”** of, or in relation to, a public or private body, means any recorded information –

- (a) regardless of form or medium;
- (b) in the possession or under the control of that public or private body, respectively;
- (c) and whether or not it was created by that public or private body, respectively;

2.1.16 ***“Request for access”***, in relation to –

- (a) a private body, means a request for access to a record of a private body in terms of section 50;

2.1.17 ***“Responsible party”*** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

2.1.18 ***“The Act”*** means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.

2.2. Interpretation:

2.2.1 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

2.2.2 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual;

2.2.3 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;

2.2.4 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;

2.2.5 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;

2.2.6 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;

2.2.7 insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail;

2.2.8 this Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Regulator.

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 3.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF SOUTHBROOM VETERINARY HOSPITAL

4.1. Chief Information Officer

Name: Doctor Lizelle Floyd
Tel: 039 316 8006
Email: southbroomvet@outlook.com

4.2. Deputy Information Officer

Name: Jane Murphy
Tel: 039 316 8000
Email: southbroomvet@outlook.com

4.3 Access to information general contacts

Email: southbroomvet@outlook.com

4.4 Head Office

Postal Address: PO. Box 116, Southbroom, 4275

Physical Address: Cnr. Gilbert Road and Southbroom Ave. Southbroom, 4275

Telephone: 039 316 8000

Email: southbroomvet@outlook.com

Website: www.southbroomvethospital.com

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2. The Guide is available in each of the official languages and in braille.

5.3. The aforesaid Guide contains the description of-

5.3.1. the objects of PAIA and POPIA;

5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

5.3.2.1. the Information Officer of every public body, and

5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

5.3.3. the manner and form of a request for-

5.3.3.1. access to a record of a public body contemplated in section 11³; and

5.3.3.2. access to a record of a private body contemplated in section 50⁴;

5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

5.3.6.1. an internal appeal;

5.3.6.2. a complaint to the Regulator

The Information Regulator (South Africa)

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

P.O. Box 31533
Braamfontein
2001

Email: PAIAComplaints@informationregulator.org.za

; and

5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

5.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

5.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

ENGLISH AND ZULU

6. DESCRIPTION OF THE RECORDS OF SOUTHBROOM VETERINARY HOSPITAL WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

RECORDS			
<i>Company Records</i>			
Trust Deeds		Documents of Incorporation	✓
Index of names of Directors		Memorandum of Incorporation	
Minutes of meetings of the Board of Directors		Proxy Forms	
Register of Directors' Shareholdings		Share Certificates	
Special Resolutions		Records relating to appointment of Directors, Auditors, etc.	
Code of Conduct		Corporate Social Investments Documents	
Shareholder Agreements			

<i>Financial Records</i>			
Accounting Records	✓	Annual Financial Reports	✓
Annual Financial Statements	✓	Asset Registers	✓
Bank Statements	✓	Banking Details and bank Accounts	✓
Banking Records	✓	Debtors / Creditors statements, credit notes and invoices	✓

General ledger and subsidiary ledgers	✓	General Reconciliations	✓
Invoices	✓	Financial Policies and Procedures	✓
Rental Agreements	✓	Tax Returns	✓
Business Contracts		Credit Bureau records	
Management Accounts		Property Leases	
Proposal and Tender documents		Statistics SA returns and correspondence	

Income Tax Records			
PAYE Records	✓	IRP5 Documents	✓
EMP 201	✓	EMP 501	✓
VAT Records	✓	Regional Services Levies	
Skills Development Levies		UIF	✓
Workmen's Compensation			

Human Resources			
Accident books and records;		Address Lists;	
Disciplinary Code and Records	✓	Employee benefits arrangements rules and records	
Employment Contracts;	✓	Employment Equity Plan	
Forms and Applications;		Grievance Procedures	
Leave Records	✓	Medical Aid Records;	
Payroll reports/ Wage register	✓	Pension Fund Records	
Safety, Health and Environmental records		Salary Records	✓
SETA records		Standard letters and notices	
Training Manuals		Training Records;	
Bargaining Council Records		BEE statistics, certificates and audit reports	
Employment Equity Reports		Staff Attendance Records	✓
Injury on Duty Records		Recruitment and Selection Records	
Workplace and Union agreements and records.			

Procurement Records			
Standard Terms and Conditions for supply of services and product		Contractor, client and supplier agreements;	
Lists of suppliers, products, services and distribution		Policies and Procedures	

Sales			
Customer details		Credit application information	
Information and records provided by a third party			

Marketing			
Advertising and promotional material		Contracts and Agreements	

Risk Management and Audit			
Audit reports;		Risk management frameworks	
Risk management plans			

Occupational Health and Safety			
Complete Safety, Health and Environment Risk Assessment		Environmental Managements Plans	
Inquiries, inspections, examinations by environmental authorities			

Information Technology			
Electronic Communications policy		Disaster Recovery Plans	
Hardware Asset Registers		Information security policies/standards and procedures	
Project Implementation plans		Software Licenses	
System Documentation and Manuals		Biometric Data	
CCTV Footage and Data	✓		

Other Operational Documents:			
Import and Export Records		Insurance Records and correspondence	
Quality Control Records		Service Level Agreements	
Telephone and communications records		Patient Files (Pets and Owner details)	✓

7. PROCESSING OF PERSONAL INFORMATION

7.1 Purpose of Processing Personal Information

7.1.1 The Company will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.

7.1.2 It will ensure that there is a legal basis for the Processing of any Personal Information.

7.1.3 Further, the Company will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant,

consented to) and will not Process any Personal Information for any other purpose(s).

7.1.4 The company will process Personal Information only in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

7.1.5 Personal Information will only be retained for as long as is necessary to accomplish Southbroom Veterinary Hospital' s legitimate business purposes or for as long as may be permitted or required by applicable law.

7.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details etc.
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details etc.
Employees	address, qualifications, gender and race etc.

7.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks.	South African Police Services.
Qualifications, for qualification verifications.	South African Qualifications Authority.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information.	Credit Bureaus.
Any other personal information required for the company to perform it's day-to-day business activities.	In line with relevant information to be obtained.

7.4 Planned transborder flows of personal information

7.4.1 The Company does not transfer any Personal Information transborder, however, if this becomes necessary for any reason whatsoever, the Data Subject will be informed and expressed consent obtained first.

7.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

7.5.1 The company will manage the security of its filing system to ensure that personal information is adequately protected.

7.5.2 To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction of personal information.

7.5.3 Security measures will be context-sensitive protected manner.

7.5.4 The company will continuously review its security controls which will include regular testing of protocols and measures put in place to combat cyber-attacks on the organisation's IT network.

- 7.5.5 The company will ensure that all paper and electronic records with personal information are securely stored and made accessible only to authorised individuals.
- 7.5.6 All new employees will be required to sign an employment contract containing contractual terms for the use and storage of their employee information.
- 7.5.7 Confidentiality clauses will also be included to reduce the risk of unauthorised disclosures of personal information for which the company is responsible.
- 7.5.8 All existing employees will, after the required consultation process has been followed, be required to sign an addendum to their employment contracts containing the relevant consent and confidentiality clauses.
- 7.5.9 The Company's operators and third-party service providers will be required to enter into service level agreements with the company where both parties pledge their mutual commitment to the POPI Act and the lawful processing of any personal information pursuant to the agreement.

8. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available-

8.1.1 on the website, if any;

8.1.2 head office of Southbroom Veterinary Hospital for public inspection during normal business hours;

8.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.4 to the Information Regulator upon request.

8.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

9. UPDATING OF THE MANUAL

9.1 The head of Southbroom Veterinary Hospital will on a regular basis update this manual.

10. PRESCRIBED FEES

10.1 Section 22(1) of PAIA states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Annexure attached hereto.

10.2 A requestor who seeks to access any record may be required to pay a fee, unless it is an exempted document.

11. AVAILABILITY OF THE MANUAL

11.1 The PAIA manual of the Company is available at the fee as contemplated in the Annexure and shall be payable per each A4 size photo copy made.

12. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

12.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.

12.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where the requested record does not exist.

13. DISPOSAL OF RECORDS

13.1 The Company reserves the right to lawfully dispose of certain records as set out.

13.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

13.3 In accordance with Section 24(1) of **POPIA**, the Company may upon receipt of the request from a data subject:

- 13.3.1 correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or
- 13.3.2 destroy or delete a record of personal information about a data subject that the company is no longer authorised to retain in terms of Section 14 of **POPIA**.

Issued by

Doctor Lizelle Floyd

Owner / Director