

SA BIOMEDICAL GROUP

Manual in Terms of Section 51 of the Promotion of Access to Information Act, 2000

Prepared by the SA Biomedical Group
Version 2, 02 November 2016

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1. INTRODUCTION

This manual extends to the information held by the SA Biomedical Group and is compiled in accordance with Section 51 of the PAIA Act. It is intended to provide -

- A description of the records held by and on behalf of the SA Biomedical Group
- Stipulate the grounds for refusal of access to any records
- Outline the procedure to be followed and the fees payable when requesting access

In this manual the following Agencies are collectively referred to as the SA Biomedical Group -

- Arthromedix
- Advanced Orthopaedics
- Neospine
- Prime Surgical
- SA Biomedical (Pty) Ltd
- 20-22 Golf Course Road (Pty) Ltd
- SAB Propco1 (Pty) Ltd

2. CONTACT DETAILS

The Information Officer or Deputy Information Officer, upon receiving a PAIA request, will coordinate the internal processes to obtain the record(s) from the relevant Branch Offices.

These processes include, inter alia, the following:

- Liaison with the requester if more details are needed, if fees are payable or when an extension of time to deal with the request is needed
- Making the decision as to whether access to the record(s) requested can be granted under PAIA
- Communication with the requester about the outcome of the request
- Provision of copies of the record(s) if the request was granted and finalised

Upon receipt of a request, it will be acknowledged by the Information Officer / Deputy Information Officer within 14 working days. The Information Officer / Deputy Information Officer will reply within 30 days (60 days in certain circumstances) to inform you whether your request has been granted or refused.

Access to records will be granted in the format requested or in the format that the records exist, if the requested format is not available.

The Executive Chairman has appointed the Chief Executive Officer as the Information Officer for the SA Biomedical Group.

Information Officer

Chief Executive Officer:	John Bisset
Postal Address:	PO Box 7371, Roggebaai, 8012
Physical Address:	20 & 22 Golf Course Road, Rondebosch, 770
Telephone Number:	+27 21 697 9600
Fax Number:	+27 86 580 5881
Email Address:	jbisset@sabiomedical.co.za

Deputy Information Officer

Group Compliance Officer:	Alwi Spearpoint
Postal Address:	PO Box 1929, Kelvin, 2054
Physical Address:	3 Martha Street, Marlboro Gardens, 2054
Telephone Number:	+27 11 531 5000
Fax Number:	+27 86 626 8711
Email Address:	aspearpoint@sabiomedical.co.za

3. SOUTH AFRICAN HUMAN RIGHT COMMISSION GUIDE

3.1 Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide. The Guide is intended to assist users in the interpretation of the Act and will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

3.2 The Guide contains the following information:

- The object of the Act
- Particulars of the information officer of every public body
- Particulars of every private body as are practicable
- The manner and form of a request for access to information held by a body
- Assistance available from the information officers and the Human Rights Commission in terms of the Act
- Legal remedies regarding acts, omissions, rights, duties (including lodging appeals and court application)
- Schedules of fees paid in relation to requests for access to information
- Regulation made in terms of the Act

3.2 A copy of the guide is available on the SAHRC website. Any enquiries regarding this guide should be directed to:

Address: The South African Human Rights Commission: PAIA Unit
33 Hoofd Street Forum III, Braampark
Braamfontein, 2041

Telephone: +27 11 877 3600 – Head Office
+27 11 877 3750 – Gauteng Provincial Office

Facsimile: +27 11 403 0625

Website: <http://www.sahrc.org.za>

Email: PAIA@sahrc.org.za or info@sahrc.org.za

4. TYPES OF RECORDS THAT MAY BE ACCESSED

Section 50 of the PAIA Act stipulates that 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 right
- b) that person complies with the procedural requirements in the Act relating to a request for access to that record
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act

The accessibility of the documents may be subject to grounds for refusal as set out in Part 5 of this manual.

4.1 Records are broadly classified as follows -

4.1.1. ¹Personnel Records

- Personal records provided by personnel
- Records provided by a third party relating to personnel
- Conditions of employment and other personnel-related contractual and quasi legal records
- Internal evaluation records and other internal records
- Correspondence relating to personnel
- Training schedules and material

4.1.2. ²Customer Related Records

- Records provided by a customer to the SA Biomedical Group
- Records provided to a third party acting for or on behalf of the SA Biomedical Group
- Records provided by a third party
- Records generated by or within the SA Biomedical Group relating to its customers

4.1.3. Private Body Records

These records include, but are not limited to, the records that pertain to the SA Biomedical Group's own affairs:

¹"Personnel" refers to any person who works for, or provides services to or on behalf of the SA Biomedical Group, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the SA Biomedical Group. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers

² "Customer" refers to any natural or juristic entity that receives services from the SA Biomedical Group

- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records
- Internal correspondence
- Administrative records
- Product records
- Internal Policies and Procedures
- Treasury related records
- Statutory Records
- Human Resource records

4.1.4. Other Party Records

The SA Biomedical Group may possess records pertaining to other parties including, but not limited to, contractors, suppliers and service providers; such other parties may possess records that can be said to belong to the SA Biomedical Group –

- Personnel, customer or private body records which are held by another party, as opposed to the records held by the SA Biomedical Group itself
- Records held the SA Biomedical Group pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party and records third parties have provided about contractors / suppliers.

5. GROUNDS FOR REFUSAL TO ACCESS RECORDS

Section 9 of the Act recognises that the right of access to information cannot be unlimited and should be subject to justifiable limitations. The SA Biomedical Group may refuse a request for information. The basis on which a request for information may be refused are as follows:

5.1. Mandatory protection of privacy of a third party who is a natural person

- A request for access to a record may be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual

5.2. Mandatory protection of commercial information of a third party

A request may be refused if the record contains –

- Trade secrets of a third party
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected –
 - to put that third party at a disadvantage in contractual or other negotiations
 - to prejudice that third party in commercial competition

5.3. Mandatory protection of certain confidential information of a third party

A request for access to a record may be refused if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement

5.4. Mandatory protection of safety of individuals and protection of property

A request for access to a record may be refused –

- If its disclosure could reasonably be expected to endanger the life or physical safety of an individual
- If its disclosure would be likely to prejudice or impair –
 - the security of –
 - a building, structure or system, including but not limited to, a computer or communication systems
 - a means of transport

- any other property
- methods, systems, plans or procedures for the protection of –
 - an individual in accordance with a witness protection scheme
 - the safety of the public or any part of the public
 - the security of property

5.5. Mandatory protection of records privileged from production in legal proceedings

A request for access to a record may be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

5.6. Commercial information of private body

A request for access to a record may be refused if the record –

- Contains trade secrets of a private body
- Contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body
- Contains information, the disclosure of which could reasonably be expected -
 - to put the private body at a disadvantage in contractual or other negotiations
 - to prejudice the body in commercial competition
- Is a computer program, as defined in section 1(1) of the Copyright Act 98 of 1978 as amended, owned by the private body, except insofar as it is required to give access to a record to which access is granted in terms of this Act

5.7. Mandatory protection of research information of third party, and protection of research information of private body

A request for access to a record may be refused if the record –

- Contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose –
 - the third party
 - a person that is or will be carrying out the research on behalf of the third party
 - the subject matter of the research, to serious disadvantage

- Contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose –
 - the private body
 - a person that is or will be carrying out the research on behalf of the private body
 - the subject matter of the research, to serious disadvantage
- 5.8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

6. ACCESS TO RECORDS HELD BY SA BIOMEDICAL GROUP

Records held by the SA Biomedical Group may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of the SA Biomedical Group.

Two types of requesters have been identified:

6.1. Personal Requester

- A requester who is seeking access to a record containing personal information about the requester
- The SA Biomedical Group will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

6.2. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, the SA Biomedical Group is not obliged to voluntarily grant access. The requester must fulfil the procedural requirements for access in terms of the PAIA Act, including the payment of the request and access fee.

7. REQUEST PROCEDURE

A requester requiring access to information held by the SA Biomedical Group must complete the prescribed form, enclosed herewith as Annexure A, submit it to the Information Officer / Deputy Information Officer at the postal or physical address or electronic mail address recorded in Section 2 of this manual and pay a request fee and a deposit, if applicable (refer Section 10 and Annexure B in this manual).

The prescribed form:

- Must be completed comprehensively to at least enable the Information Officer / Deputy Information Officer to identify –
 - the record or records requested
 - the identity number of the requester
 - the form of access required, if the request is granted
 - the postal address or electronic mail address of the requester
- The requester must also –
 - state that he requires the information in order to exercise or protect a right
 - clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right

The SA Biomedical Group will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer / Deputy Information Officer that circumstances dictate that a reasonable, shorter time period is applied.

The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

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 / Deputy Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally, directly to the Information Officer / Deputy Information Officer.

The requester must pay the prescribed fee before any further processing can take place.

8. DECISION

The SA Biomedical Group will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period may be extended for a further period if the request is for a large volume of information or the request requires a search for information and the information cannot reasonably be obtained within the original 30 day period. The Information Officer / Deputy Information Officer will notify the requester in writing should an extension be required.

9. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REFUSED

The decision made by the SA Biomedical Group is final. Requesters who are dissatisfied with a decision will have to exercise external remedies at their disposal.

A requester or a third party, who is dissatisfied with a refusal to disclose information or the disclosed information, may within 30 days of notification of the decision apply to the Constitutional Court, the High Court or another court of similar status for relief.

10. FEES

The Act provides for two types of fees, namely –

- a request fee, which will be a standard fee, and
- an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs

When the request is received by the SA Biomedical Group, the Information Officer/Deputy Information Officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request (refer Annexure B).

The Information Officer / Deputy Information Officer will withhold a record until the requester has paid the fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

If a deposit was paid in respect of a request for access which was refused, the full deposit will be returned to the requester by the SA Biomedical Group.

ANNEXURE A: Prescribed Form

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

.....
.....
.....

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/or 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:.....

.....

.....

..... Fax number:.....

Telephone number: E-mail address:

Capacity in which 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 a request for information is made on behalf of another person.

Full names and surname:.....

.....

Identity number:.....

Disability:

.....

.....

Form in which record is required:.....

.....

.....

Mark the appropriate box with an X.

NOTES:

(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 to 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
*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.			<input type="checkbox"/> YES <input type="checkbox"/> NO

G. 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.***

- 1. Indicate which right is to be exercised or protected:.....
.....
.....
- 2. Explain why the record requested is required for the exercise or protection of the aforementioned right:
.....
.....
.....
.....

H. 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.....

.....
SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF
REQUEST IS MADE

ANNEXURE B: Schedule of Fees

In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations. All fees are subject to amendment without notice.

1. Copies of the PAIA Manual

- Copies of the SA Biomedical Group PAIA manual are chargeable at a fee of R1.10 for every photocopy on an A4-size page or part thereof.

2. Request Fee

Where a requester submits a legitimate request for access to information held on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable upfront before the request will be processed.

3. Deposit

Where the SA Biomedical Group receives a legitimate request for access to information held on a person other than the requester himself/herself and the Compliance Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.

4. Access Fee

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an excess fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

Type of Record	Fees
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on — <ul style="list-style-type: none">• stiffy disk• compact disk	R7.50 R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for the search)	R30.00
The actual postage is payable when a copy of a record must be posted to a requester	

5. Reproduction Fees

Type of Record	Fees
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on— <ul style="list-style-type: none">• stiffy disk• compact disk	R7.50 R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00

FOR INTERNAL USE ONLY

RECORD OF REQUEST FOR INFORMATION in terms of Section 51 of the Promotion of Access to Information Act, 2000 (PAIA)				
Reference Number				
Request Received By <i>(Name of Information Officer / Deputy Information Officer)</i>				
Request Received	Date		Method	
			Email	Fax
			Post	Verbal
Request Outcome (✓)	Approved	Declined	Reason if Declined	
Communication Sent to Requester	Date		Method	
			Email	Fax
			Post	

FEES PAYABLE	
Request Fee <i>(if any)</i>	
Deposit <i>(if any)</i>	
Access Fee	
Reproduction Fee <i>(if any)</i>	
TOTAL FEES PAYABLE	
Confirmation of Fees Paid	

Signature <i>(Information Officer / Deputy Information Officer)</i>	
Date	

Amendment History		
Reason for Amendment	Version	Date
New PAIA Manual	v1-13012016	13 January 2016
Page 1: Footer updated to latest version Page 3: Name change "SA Biomedical Vascular" to "Prime Surgical" Page 4: Title change "Group Financial Director" to "Chief Executive Officer" Page 23: Added section "Amendment History"	v2-02112016	02 November 2016

SA Biomedical Group PAIA Manual			v2-02112016
Prepared by:	A. Spearpoint	Group Compliance Officer	02 November 2016
Reviewed by:	J. Bisset	Chief Executive Officer	02 November 2016
Approved by:	J. Bisset	Chief Executive Officer	02 November 2016