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PAIA MANUAL

This PAIA Manual was last updated on 16 November 2023.

1. INTRODUCTION

1.1. This Pristem Diagnostics South Africa Pty Ltd (Pristem South Africa) Manual (“Manual”) is published in terms of Section 51 of the Promotion of Access to Information Act 2, No 2 of 2000 (“PAIA”).

1.2. PAIA was enacted on 3 February 2000, giving effect to the Constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the Constitution) of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

1.3. In terms of section 51 of the Act, all private bodies are required to compile an Information Manual (PAIA Manual).

1.4. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or a private body.


2. PRISTEM DIAGNOSTICS SOUTH AFRICA PTY LTD

2.1. Pristem Diagnostics South Africa Pty Ltd is a private company with limited liability incorporated in accordance with the laws of the Republic of South Africa with registration number: 2014/239716/07. This PAIA Manual is relevant and has application to all Pristem South Africa centers.

2.2. The PAIA Manual of Pristem South Africa is available to view at its premises:

Address: YARONA MALL, 89 Watt Ave, Wynberg, 2090 (Johannesburg)

Phone: +27 (0)10 746 6266

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Email: helloalexandra@opendiagnosics.co.za

Website: <http://diagnosics.co.za>

3. PURPOSE OF THE PAIA MANUAL

3.1. This PAIA Manual is intended to ensure that Pristem South Africa complies with the Act and to foster a culture of transparency and accountability within Pristem South Africa by giving effect to 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.

3.2. 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 terms of the Act in order for them to exercise their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitation aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality;

3.3.3. Effective, efficient and good governance and in the manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.


4. PURPOSE OF PRISTEM SOUTH AFRICA'S PROCESSING OF PERSONAL INFORMATION

4.1 Pristem South Africa 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.

4.2 It will ensure that there is a legal basis for the processing of any personal information. Further, Pristem South Africa 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).

4.3 Pristem South Africa 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.

4.4 Pristem South Africa will retain Personal Information only for as long as is necessary to accomplish Pristem South Africa's legitimate business purposes or for as long as may be permitted or required by applicable law.

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5. CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER (SECTION 51(1)(A))

Chief Executive Officer : Mrs Yvonne Motsisi

Email: admin@opendiagnosics.co.za

6. INFORMATION OFFICER (SECTION 51(1) (B))

6.1 This Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The Head of a private body fulfils such a function in terms of section 51. Pristem South Africa has opted to appoint an Information Officer to assess requests for access to information as well as oversee its required function in terms of the Act.

6.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013 ("POPIA"). The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of POPIA.

6.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officer/s, as permitted in terms of section 17 of the Act as well as section 56 of POPIA. 6.4 All requests for information in terms of the Act must be addressed to the Information Officer.

7. CONTACT DETAILS OF INFORMATION OFFICER

Contact Person: Yvonne Motsisi

Address: YARONA MALL, 89 Watt Ave, Wynberg, 2090 (Johannesburg)


Email Address: info@opendiagnosics.co.za

Website: <http://diagnosics.co.za>

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

8.1 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.

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

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8.3 The aforesaid Guide contains the description of

- 8.3.1 the objects of PAIA and POPIA;
- 8.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of
 - 8.3.2.1 the Information Officer of every public body; and
 - 8.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 8.3.3 the manner and form of a request for
 - 8.3.3.1 access to a record of a public body contemplated in section 11; and
 - 8.3.3.2 access to a record of a private body contemplated in section 50;
- 8.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 8.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 8.3.6 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
 - 8.3.6.1 an internal appeal;
 - 8.3.6.2 a complaint to the Regulator; and
 - 8.3.6.3 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;
- 8.3.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 8.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 8.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 8.3.10 the regulations made in terms of section 92.


8.4 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 Information Regulator, during normal working hours.

Any enquiries regarding the Guide should be directed to:

Postal Address : 33 Hoofd Street Forum III, 3rd Floor Braampark Braamfontein,
Johannesburg
Telephone Number : +27 10 023 5200
Complaints : complaints.IR@justice.gov.za
E-mail Address : inforeg@justice.gov.za
Website : <https://www.justice.gov.za/inforeg>

9. RECORDS HELD BY PRISTEM SOUTH AFRICA

9.1 Records relating to patients. These include information to identify the patient, patient contact details, prescriptions, medical history related to patient visit and information for patient safety.

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9.2 Records relating to supply of various services to patients. These include radiology images and diagnostics.

9.3 Records relating to the incorporation of Pristem South Africa's shareholders and directors.

9.4 Records relating to employees and ex-employees. These include policies and procedures, details of employment, employee files and remuneration data.

9.5 Records relating to healthcare professionals. These include contracts and associated patients.

9.6 Financial and administrative records and policies relating to Pristem South Africa's activities.

9.7 Intellectual property, being registered trademarks of Pristem South Africa.

9.8 Insurance records, including public liability insurance.

9.9 Information technology, including computer software, support and maintenance agreements.

10. AUTOMATICALLY AVAILABLE INFORMATION

10.1 At this stage no notice(s) in terms of Section 52(2) of the Act has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

10.2 It should, however, be noted that information that is obtainable via the website about Pristem South Africa is automatically available and need not be formally requested in terms of this Manual. The following categories of records are automatically available for inspection, purchase or photocopying:

10.2.1 brochures;


10.2.2 press releases;

10.2.3 publication; and

10.2.4 various other marketing and promotional material.

11. INFORMATION/DOCUMENTS HELD IN TERMS OF OTHER SOUTH AFRICAN LEGISLATION

11.1 The following are some of the South African statutes in terms of which records are held by Pristem South Africa within South Africa. This is not an exhaustive list, and it must be

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pointed out that these records are not necessarily available to requestors in terms of the Act.

- 11.1.1 Companies Act 71 of 2008
- 11.1.2 Customs and Excise Act 91 of 1964
- 11.1.3 Income Tax Act 58 of 1962
- 11.1.4 Value-Added Tax Act 89 of 1991
- 11.1.5 Unemployment Insurance Act 63 of 2001
- 11.1.6 Basic Conditions of Employment Act 75 of 1997
- 11.1.7 Employment Equity Act 55 of 1998
- 11.1.8 Labour Relations Act 66 of 1995
- 11.1.9 Insolvency Act 24 of 1936
- 11.1.10 National Environmental Management Act 107 of 1998
- 11.1.11 Occupational Health and Safety Act 85 of 1993
- 11.1.12 Broad-Based Black Economic Empowerment Act 53 of 2003
- 11.1.13 Compensation of Occupational Injuries and Diseases Act 130 of 1993
- 11.1.14 Electronic Communications and Transactions Act 25 of 2002

KEY NOTE: These records are not necessarily available to requestors in terms of the Act.

11.2 If a requester is of the view that a right to access to a record exists in terms of an Act listed above, or any other Act, the requestor is required to point out the legislative right the request is based on. This is to allow the Information Officer the opportunity to consider the request in light thereof.

KEY NOTE: It is recorded that the accessibility of documents and records may be subject to the grounds of refusal as set out in the Act. Furthermore, although we have used our best endeavors to supply you with a complete list of applicable legislation it is possible that the above list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall immediately update the list.


12. REQUEST PROCEDURE

12.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

12.2 The requester must complete the prescribed form detailed in the Act, and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or Deputy Information Officer at the postal or physical address, or electronic mail address as noted in paragraph 7 above.

12.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- 12.3.1 the record or records requested; and
- 12.3.2 the identity of the requester. (Section 23(1) of POPIA).

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12.4 The requester should indicate which form of access is required and specify a postal address of the requester in the Republic.

12.5 The requester must 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 so 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)).

12.6 Pristem South Africa will process within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods should not be complied with.

12.7 The requester shall be advised whether access is granted or denied in writing.

12.8 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)).

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


12.10 All information as listed in paragraph 11 herein should be provided and failing which the process will be delayed until the required information is provided. 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.

KEY NOTE: It is recorded that the accessibility of documents and records may be subject to the grounds of refusal as set out in the Act. Furthermore, although we have used our best endeavours to supply you with a complete list of applicable legislation it is possible that the above list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall immediately update the list.

12.11 If a request is made on behalf of another person, the requester must show to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such request.

12.12 A requester that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address or electronic mail address: admin@opendiagnosics.co.za.

12.13 A data subject requesting access to records from Pristem South Africa is advised to familiarise themselves with the provisions of PAIA before making any requests to Pristem South Africa in terms of PAIA.

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13. REFUSAL OF ACCESS TO RECORDS

13.1 A private body such as Pristem South Africa is entitled to refuse a request for information on grounds such as mandatory protection as included in the Promotion of Access to Information Act or trade secrets of a third party, financial, commercial, scientific or technical information, which disclosure could likely cause harm to the financial or commercial interests of that third party.

13.2 Request for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

13.3 All requests will be assessed on its own merits and in accordance with the applicable legal principles and legislation.

13.4 There is no internal appeal procedure that may be followed after a request to access records has been refused. The decision made by the Information Officer or Deputy Information Officer remains final. If you are not satisfied with the outcome of the request, you are entitled to approach a court of competent jurisdiction to take the matter further.

14. UPDATING OF THE MANUAL

The Head of Legal will on a regular basis update this manual.

Issued by

Nicolas Le Paven, Quality manager




Approved by

Yvonne Motsisi, CEO



15. DISCLAIMER

Pristem South Africa does not warrant the correctness, completeness or accuracy of the information provided herein in any way, or that such information is fit for any purpose and advice must be sought from Pristem South Africa before any action is taken based on the information provided herein. Consent must be obtained from Pristem South Africa before the information provided herein is reproduced in any way. Pristem South Africa disclaims any responsibility for action taken without due consultation and/or for information reproduced without due consent. No person shall have any claim of any nature whatsoever arising out of, or in connection with, the information provided herein against Pristem South Africa and/or any of its subsidiaries or personnel.

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VERSION HISTORY

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