

DR G EPSTEIN INC.

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (hereinafter referred to as "PAIA") AND PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (hereinafter referred to as "POPI") MANUAL

1. INTERPRETATION OF THE MANUAL

1.1. This manual should be interpreted in conjunction with the provisions of the Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as "**PAIA**") and the provisions of the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as "**POPIA**").

2. AIM OF THE MANUAL

2.1. The aim of this manual is to -

2.1.1. facilitate requests for access to information as set out in sections 14 and 51 of the PAIA which gives effect to the rights enshrined in section 32 of the Constitution of the Republic of South Africa 1996 (hereinafter referred to as "**the Constitution**"); and

2.1.2. address the requirements as set out in the POPIA which provides for the lawful and fair processing of personal information, in accordance with the right to privacy as entrenched in section 14 of the Constitution.

3. DETAILS OF THE COMPANY

3.1. Full name : Dr G Epstein Inc (hereinafter referred to as "**the company**")

3.2. Registration No. : 2023/206455/21

3.3. Physical address (Head Office) : Unit 7 Medisuites, 9 Paul Kruger Street, Durbanville, Cape Town, Western Cape, 7500;

3.4. Telephone : 071 458 1105

3.5. Email : gadiepstein@limbreconstruction.co.za

4. **DETAILS OF THE INFORMATION OFFICER OF THE COMPANY**

4.1. Name: Gadi Epstein

4.2. Email Address: gadiepstein@limbreconstruction.co.za

4.3. Contact Number: 071 458 1105

5. **RECORDS HELD BY THE COMPANY**

5.1. **Records held by the Company in accordance with legislation**

The company is required in accordance with legislation to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation, among others –

5.1.1. Basic Conditions of Employment Act 75 of 1997;

5.1.2. Companies Act 71 of 2008;

5.1.3. Compensation for Occupational Injuries and Diseases Act 130 of 1993;

5.1.4. Electronic Communications and Transaction Act 25 of 2002;

5.1.5. Employment Equity Act 55 of 1998;

5.1.6. Health Professions Act 56 of 1974;

5.1.7. Income Tax Act 58 of 1962;

- 5.1.8. Labour Relations Act 66 of 1995;
- 5.1.9. Occupational Health and Safety Act 85 of 1993;
- 5.1.10. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- 5.1.11. Skills Development Levies Act 9 of 1999;
- 5.1.12. Skills Development Act 9 of 1999;
- 5.1.13. Unemployment Insurance Act 63 of 2001; and
- 5.1.14. Value Added Tax Act 89 of 1991.

5.2. Other types of records held by the company in terms of section 51(1) of PAIA

- 5.2.1. Certain records held by the company are not automatically available without a request in terms of PAIA and a request made in terms of PAIA for any of the said records may be refused in accordance with any of the grounds of refusal as set out in PAIA. These records are as follows -

5.2.1.1. Statutory records:

5.2.1.1.1. company incorporation documents;

5.2.1.1.2. share register;

5.2.1.1.3. memorandum of Incorporation;

5.2.1.1.4. minutes of meetings of the board of directors;

5.2.1.1.5. minutes of meetings of the board of shareholders;

5.2.1.1.6. records relating to the appointment of directors, auditors, and other officers;

5.2.1.2. **Income tax:**

5.2.1.2.1. pay-as-you-earn (PAYE) records;

5.2.1.2.2. documents issued to employees for income tax purposes;

5.2.1.2.3. records of payments made to South African Revenue Services on behalf of employees;

5.2.1.2.4. all or any statutory compliance;

5.2.1.2.5. Value Added Tax;

5.2.1.2.6. skills development levies;

5.2.1.2.7. Unemployment Insurance Fund;

5.2.1.3. **Labour relations:**

5.2.1.3.1. personnel documents and records;

5.2.1.3.2. employment contracts;

5.2.1.3.3. medical aid records;

5.2.1.3.4. disciplinary records;

- 5.2.1.3.5. salary records;
- 5.2.1.3.6. disciplinary code and/or procedures;
- 5.2.1.3.7. leave records;
- 5.2.1.3.8. training records;
- 5.2.1.3.9. training manuals;
- 5.2.1.3.10. address lists;
- 5.2.1.3.11. internal telephone lists;

5.2.1.4. **Finance:**

- 5.2.1.4.1. receipts and payments;
- 5.2.1.4.2. bank statements;
- 5.2.1.4.3. a list of the company's debtors and creditors;
- 5.2.1.4.4. budgets;
- 5.2.1.4.5. management accounts;
- 5.2.1.4.6. asset registers;
- 5.2.1.4.7. invoices;
- 5.2.1.4.8. salaries;
- 5.2.1.4.9. minutes of meetings;

5.2.1.4.10. correspondence;

5.2.1.5. **Risk and compliance:**

5.2.1.5.1. contracts;

5.2.1.5.2. policies and procedures;

5.2.1.5.3. risk assessments;

5.2.1.5.4. compliance records;

5.2.1.6. **Others:**

5.2.1.6.1. IT usage statistics and equipment details;

5.2.1.6.2. supplier lists;

5.2.1.6.3. secretarial records;

5.2.1.6.4. media releases and public relation events records.

6. **HOW TO REQUEST ACCESS TO A RECORD**

6.1. To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as Annexure A. This request must be sent to the Information Officer at the address provided in paragraph 4.2.

6.2. For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (objection) or Form 2

(correction or deletion), which are attached to this Manual as Annexure B.

- 6.3. The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 6.4. If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 6.5. PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will decide whether or not to grant a request for access to information.

7. PAYMENT OF FEES

- 7.1. PAIA provides for two types of fees, namely –
 - 7.1.1. a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
 - 7.1.2. an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2. Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.

- 7.3. If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the company will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 7.4. The company may withhold a record until the requester has paid the fees as indicated in Annexure C.
- 7.5. A requester whose request has been granted must pay the applicable access fee for reproduction, search, 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 request form.
- 7.6. In terms of POPIA, a data subject has the right to request the company to confirm, free of charge, whether or it holds personal information about the data subject and request from the company the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 7.7. POPIA further provides that where the data subject is required to pay a fee for services provided to them, the company must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

8. APPLICABLE TIME-PERIODS

- 8.1. The company will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

8.2. The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the company or the records are not located at the company offices.

9. **OUTCOME OF REQUEST**

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

10. **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

10.1. In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds –

- 10.1.1. protection of privacy to a third party who is a natural person;
- 10.1.2. protection of the commercial information of a third party;
- 10.1.3. protection of certain confidential information of a third person;
- 10.1.4. protection of the safety of individuals and the protection of property;
- 10.1.5. protection of records privileged from production and legal proceedings;
- 10.1.6. the commercial information and activities of the company;
- 10.1.7. the protection of research information of a third party; and

10.1.8. any other ground legally available on which to refuse access to the information requested.

10.2. Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

11. REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

12. COLLECTING AND PROCESSING INFORMATION

12.1. Chapter 3, as well as Section 4 of POPIA provides for the minimum conditions that are required for the lawful processing of personal information by a Responsible Party. There are 8 minimum conditions, namely -

12.1.1. accountability;

12.1.2. processing limitations;

12.1.3. purpose specification;

12.1.4. further processing limitation

12.1.5. information quality;

12.1.6. openness;

12.1.7. security safeguards; and

12.1.8. data subject participation.

12.2. These minimum conditions may not be departed from unless specific provisions or exclusions apply, as highlighted in POPIA.

12.3. In order to carry out the everyday tasks and obligations of its business, the company processes personal information relating to both individual and juristic persons.

12.4. The manner in which this information is processed and the purpose for which it is processed is determined by the company. The company is therefore termed a “Responsible Party” for the purposes of POPIA and will ensure that the personal information of a Data Subject is processed and protected in accordance with POPIA.

13. **CATEGORIES OF DATA SUBJECTS**

13.1. In terms of Section 1 of POPIA, a “Data Subject” is defined as being either a natural or a juristic person.

13.2. For the purposes of this manual, the categories of Data Subjects that the company may collect personal information from include -

13.2.1. patients;

13.2.2. hospitals;

13.2.3. medical aids;

13.2.4. government departments (eg The Department of Labour);

13.2.5. employees;

13.2.6. directors;

13.2.7. agents;

13.2.8. financial institutions;

13.2.9. suppliers;

13.2.10. any other third party vendor, business or organisation who provides the company with a product or service.

14. CATEGORIES OF PERSONAL INFORMATION THAT MAY BE COLLECTED

14.1. Personal information that may be collected from any of the abovementioned parties by the company, subject to their role and relationship with the company, includes -

14.1.1. full names;

14.1.2. contact details (inclusive of email addresses, phone numbers, and physical addresses);

14.1.3. banking details;

14.1.4. employment history (inclusive of prior employment contracts);

14.1.5. identity number (inclusive of identity books and passports);

14.1.6. age;

14.1.7. gender;

14.1.8. nationality;

14.1.9. language;

14.1.10. medical records, X-rays, scans and other medical details and records;

14.1.11. any other information that may be required by the company in order to carry out its operations, and comply with its obligations in the ordinary course of business.

15. **PURPOSE OF PROCESSING PERSONAL INFORMATION**

15.1. Section 13 of POPIA provides that personal information must be collected for a *"specific, explicitly defined and lawful purpose related to a function or activity of the Responsible Party."*

15.2. In accordance with Section 13 of POPIA, the company will process personal information for the purposes of -

15.2.1. performing its duties and meeting the obligations and requirements of any agreement or contract between itself and a patient or third party;

15.2.2. the management of the administrative and accounting practices carried out in the ordinary course of business;

15.2.3. employee recruitment processes;

15.2.4. marketing and statistical purposes (inclusive of social media marketing, SMS communication, email communication and telephonic communication);

15.2.5. payment processes;

15.2.6. security and software protocol;

15.2.7. statutory requirements;

15.2.8. any other purpose that may be relevant in order to successfully conduct the business activities of the company.

15.3. The company commits to informing all of its Data Subjects of the purpose for which their personal information is collected, processed and stored in accordance with Section 18 of POPIA.

16. **RECIPIENTS OF PERSONAL INFORMATION**

16.1. The recipients to whom the company may provide a Data Subject's personal information include -

16.1.1. governmental authorities if by law, the company is obliged to share such information;

16.1.2. medical aids, employers of patients, legal representatives of patients;

16.1.3. any organisation through which the company implements its payment processes and/or collections of outstanding accounts;

16.1.4. any financial institution from which payment is received on behalf of an employee, client, organisation, or firm by the company;

16.1.5. any organisation through which the company conducts its day to day transactions, administration, sale, credit, and account operations;

16.1.6. any employee, director or agent who is employed or who acts on behalf of the company.

17. **CROSS-BORDER TRANSFER/FLOW OF PERSONAL INFORMATION**

17.1. the company does not transfer personal information to any region outside of the Republic of South Africa.

17.2. Should this change at any point in time, the company will process and transfer personal information in accordance with section 72 of POPIA.

17.3. Section 72 of POPIA provides that personal information may only be transferred outside of the Republic of South Africa if the recipient organisation of the information is able to successfully implement, and maintain a similar and "adequate level" of protection over the information that is transferred and subsequently received by it.

17.4. Personal information may be transferred to a region outside of the Republic if -

17.4.1. the transfer of the aforementioned personal information is necessary for the purposes of upholding a contractual obligation; and

17.4.2. the data subject to whom the personal information relates, provides consent for the personal information to be transferred outside of the Republic of South Africa.

17.5. If it is likely that the Data Subject to whom the personal information relates will give their consent to the transfer of personal information, obtaining such consent is not necessary as outlined in section 72(e)(ii) of POPIA.

18. **PROCESSING OF PERSONAL INFORMATION: OBJECTION BY THE DATA SUBJECT**

18.1. Sections 11(3) and 11(4) of POPIA allow for a Data Subject to object, at any time, to their personal information being processed.

18.2. In accordance with the provisions set out in Section 11(3) and (4) of POPIA, the company will, as soon as is reasonably practicable, desist from processing the personal information of a Data Subject if and when they communicate such a request to the company.

18.3. A Data Subject must inform the company that they do not wish to have their personal information processed any longer.

19. REQUEST FOR THE CORRECTION OR DELETION OF PERSONAL INFORMATION BY THE DATA SUBJECT

19.1. Section 24 of POPIA provides that a Data Subject may request that their personal information be -

19.1.1. corrected; or

19.1.2. deleted,

if that personal information is "*inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully.*"

19.2. In accordance with Section 24 of POPIA, the company will, as soon as is reasonably practicable, correct or delete the personal information of a Data Subject if and when they do so communicate such a request to the company.

19.3. the company commits to providing the Data Subject with evidence proving that the personal information of the Data Subject has been corrected or deleted in accordance with Section 24(2)(c).

20. **UPDATING OF THIS MANUAL**

the company may update this manual every year, or within a time period necessary for its successful implementation.