



**CAPE
FERTILITY**
We value each individual patient

CAPE FERTILITY INC

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2. 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;
- 2.3. know the description of the records of the body which are available in accordance with any other legislation;
- 2.4. 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;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. 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;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;

- 2.9. 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
- 2.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF CAPE FERTILITY INC

3.1. Chief Information Officer

Name: Paul Andre Le Roux
Tel: 021 674 2088
Email: pleroux@capefertility.co.za
Fax number: 021 671 2709

3.2. Deputy Information Officer

Name: Kyle Kearns
Tel: 021 674 2088
Email: kyle@capefertility.co.za
Fax Number: 021 671 2709

3.3. Access to information general contacts

Email: info@capefertility.co.za

3.4. Head Office

Postal Address: Suite 209, Library Square, 1 Wilderness Road, Claremont, 7708
Physical Address: Suite 209, Library Square, 1 Wilderness Road, Claremont, 7708
Telephone: 021 674 2088
Email: info@capefertility.co.za
Website: www.capefertility.co.za

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

- 4.1. 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

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.

- 4.3.6. 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
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. 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;
 - 4.3.7. 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;
 - 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. 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.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 4.6.1. English and Afrikaans

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. CATEGORIES OF RECORDS OF CAPE FERTILITY INC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

To date no notice in terms 52(2) of the Act has been published regarding the categories of records that are automatically available without having to request access.

6. DESCRIPTION OF THE RECORDS OF CAPE FERTILITY INC WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Records are kept in accordance with legislation applicable to Cape Fertility Inc, which includes but is not limited to, the following –

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- Occupational Health and Safety Act of 85 of 1993;
- Protection of Personal Information Act 4 of 2013;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 89 of 1991.

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY CAPE FERTILITY INC

This clause serves as a reference to the records that Cape Fertility Inc holds in order to facilitate a request in terms of The Act. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereunder.

Subjects on Which the body holds records	Categories of Records
Incorporation Documents and Records	These include, but are not limited to the following: -Registration documentation; -Minutes of meetings;
Financial Documents	General -Tax records -PAYE records -UIF records -SDL records -Management accounts and audited financial statements -Asset register Banking -Investment accounts -Current accounts -Cash records -Financial reporting
Client/patient records	-Names -Identity/passport numbers -Contact details -Addresses -Health records -Medical reports -Agreements -Indemnities / consents -Medical aid information -Research information -Evaluations
Human Resources	-Salary status -Leave records -Educational history -Letter of appointment / employment agreement -Legal documentation -Records relating to salary increases -Disciplinary records -Performance management records -Medical history of employees

	-Tax records -Written company policies Monthly contribution of employees: -Unemployment fund -Records of deductions from employees Safety Records: -Record of incidents -Records of corrective action -Records relating to Occupational Health & Safety Act
Information technology records	-Licenses -Software programs -Software applications -Internal company e-mails

8. PROCESSING OF PERSONAL INFORMATION

8.1. Purpose of Processing Personal Information

We will use your Personal and Non-Personal Information only for the following purposes:

- For good corporate governance purposes and to comply with business and further lawful obligations;
- To comply with our contractual obligations to our data subjects;
- For retention of records as required by law and to provide healthcare services, for the collection of fees for the services provided;
- To comply with our data subjects instruction in relation to the processing of their personal information.

8.2. 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
Patients/Clients/Donors	These include, but are not limited to the following: -Name -ID number -Email address -Contact details -Dependent information -Medical information -Marital status -Occupation -Pregnancy status -Birth of a child

	-Next of kin -Language
Service Providers	These include, but are not limited to the following: -Company name -Company registration number -Email address -Contact details -Banking details
Employees	These include, but are not limited to the following: -Name -ID number -Address -Contact details -Nationality -Gender -Marital status -Next of Kin details -Banking details -Employment history -Qualifications -PAYE information -UIF information -Medical information -Tax number

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

- Attorney
- Accountant
- IT Service Provider

8.4. Planned transborder flows of personal information

Cape Fertility Inc is required to provide certain personal information of patients to banking institutions outside of South Africa, for the purpose of refunding said patient, per the requirements of the SARB.

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

Cape Fertility Inc has anti-virus and anti-malware solutions in place to secure all personal information.

9. AVAILABILITY OF THE MANUAL

9.1. A copy of the Manual is available-

- 9.1.1. at the head office of Cape Fertility Inc for public inspection during normal business hours;
- 9.1.2. to any person upon request and upon the payment of a reasonable
- 9.1.3. prescribed fee; and
- 9.1.4. to the Information Regulator upon request.

9.2. 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.

10. UPDATING OF THE MANUAL

The head of Cape Fertility Inc will on a regular basis update this manual.

Issued by

Paul Andre Le Roux

Director