



HEALTHCARE RESEARCH ASSOCIATES

STEER RESEARCH TO RESULTS

PAIA Manual

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1 Introduction

1.1 Legislative Context

The Promotion of Access to Information Act (“PAIA”) (No. 2 of 2000), intends: To give effect to the constitutional right 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 [...]

The Protection of Personal Information Act (“POPIA”) (No. 4 of 2013), intends: To promote the protection of personal information processed by public and private bodies; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; [...] to provide for the rights of persons regarding unsolicited electronic communications and automated decision making; to regulate the flow of personal information across the borders of the Republic [...]

1.2 Organisational Commitment

Healthcare Research Associates and its subsidiaries are committed to supporting the rights of access to information and the protection of personal information as established in PAIA and POPIA. We manage privacy and access rights through the Conduct and Ethics sub-committee of our Board.

1.3 Scope of this Manual

This manual applies to Healthcare Research Associates and its active subsidiary companies as follows:

Healthcare Research Associates (Pty) Ltd Registration Number 2007/002757/07	OptiMax (Pty) Ltd Registration Number 1995/006244/07
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1.4 Contact Details

To make contact for matters pertaining to this manual, please contact:

The HRA Group Information Officer gjo@optimax.co.za	Phone Number +27-11-548-8050
Postal Address P O Box 69743 Bryanston, Gauteng, 2021	Street Address 1st Floor Rentworks Place Turnberry Office Park 48 Grosvenor Road Bryanston, Gauteng, 2152

1.5 Availability of this Manual

This manual is published on the website www.optimax.co.za. Alternatively, a copy can be requested from the HRA Group Information Officer per the contact details above.

1.6 The Human Rights Commission Manual

The Human Rights Commission must compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA.

This manual is available from the Human Rights Commission:

The Human Rights Commission paia@sahrc.org.za	Phone Number +27-11-484-8300
Postal Address Private Bag 2700 Houghton, Gauteng, 2041	Street Address PAIA Unit 29 Princess of Wales Terrace Corner York and St Andrews Streets Parktown, Gauteng, 2193

1.7 The Information Regulator

The Information Regulator established in terms of POPIA may be contacted at:

The Information Regulator of South Africa infoereg@justice.gov.za	
Postal Address PO Box 31533 Braamfontein, Gauteng, 2017	Street Address JD House 27 Stiemens Street Braamfontein, Gauteng, 2001

2 Information Held and Processed

2.1 Records Held in Terms of Legislation

Records may be held by Healthcare Research Associates or its subsidiaries in accordance with the following legislation, including any amendments as may have been enacted. This list of applicable legislation is complete to the best of our knowledge, but may be incomplete. These laws and their amendments may give persons the right to access certain information.

Banks Act, No. 94 of 1990

Basic Conditions of Employment Act, No. 75 of 1997

Broad-Based Black Economic Empowerment Act, No. 53 of 2003

Civil Proceedings Evidence Act, No. 25 of 1965

Consumer Protection Act, No. 68 of 2008

Companies Act, No. 71 of 2008

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Competition Act, No. 89 of 1998

Copyright Act, No. 98 of 1987

Consumer Protection Act, No. 68 of 2008

Criminal Procedure Act, No. 51 of 1977

Customs and Excise Act, No. 91 of 1964

Deeds Registries Act, No. 57 of 1937

Debt Collectors Act, No. 114 of 1998

Electronics Communications Act, No. 36 of 2005

Employment Equity Act, No. 55 of 1998

Finance Act, No. 2 of 2007

Income Tax Act, No. 95 of 1967

Insolvency Act, No. 24 of 1936

Labour Relations Act, No. 66 of 1995

Long Term Insurance Act, No. 52 of 1998

Magistrates Court Act, No. 32 of 1944

Non-Profit Organisations Act, No. 71 of 1997

Occupational Health & Safety Act, No. 85 of 1993

Patents Act, No. 57 of 1987

Pension Funds Act, No. 24 of 1956

Promotion of Access to Information Act, No. 2 of 2000

Protection of Personal Information Act, No. 4 of 2013

Securities Transfer Tax Act, No. 25 of 2007

Short Term Insurance Act, No. 53 of 1998

Skills Development Act, No. 97 of 1998

Skills Development Levies Act, No. 97 of 1999

South African Revenue Service Act, No. 34 of 1997

South African Reserve Bank Act, No. 90 of 1989

Statistics Act, No. 6 of 1999

Tax on Retirement Funds Act, No. 38 of 1996

Trust Property Control Act, No. 57 of 1988

Trade Marks Act, No. 194 of 1993

Unemployment Contributions Act, No. 4 of 2002

Unemployment Insurance Act, No. 63 of 2001

Value Added Tax Act, No. 89 of 1991

2.2 Records Classified in Terms of Section 51(1)(c)

The regulator has not prescribed any records per notice in terms of Section 52(2).

2.3 Categories of Data Subjects

Healthcare Research Associates and its subsidiaries classify Data Subjects to which records may pertain as a component of its information management framework. Moreover, Healthcare Research Associates and its subsidiaries maintain a record of the purpose for which records may be collected, processed, and retained for each of these categories of Data Subjects. This is summarised below.

Data Subject Categories and Purposes for Processing
Business Partners: We process the personal information of natural and juristic persons with whom the Company partners to bring products and services to customers.
Customers: We process the personal information of our customers to understand their needs, design products and services, select pricing options, complete sales processes, comply with tax legislation and regulations, meet our obligations and afford the rights in terms of contracts, collect revenues, and manage debts.
Directors: We process the personal information of directors of our companies to comply with the Companies Act and related legislation and regulation, and to perform the processes required by our corporate governance policies. Directors are also Employees.
Employees: We process the personal information of our employees to comply with employment legislation and regulations, meet the obligations and afford the rights in terms of employment contracts, manage our business activities, and assure a safe and healthy working environment.
Public Bodies: We process the personal information of public bodies and organs of state to meet our legislative and regulatory compliance requirements.
Suppliers: We process the personal information of suppliers of the Company to exercise our rights and meet our contractual obligations to make payments and receive goods and services.

2.4 Data Subject Records Held

Following the purposes for which Healthcare Research Associates and its subsidiaries processes records for data subjects, the following table describes the records that the Company may hold for each of the data subject categories.

DSC	Records Held		
Business Partners	Contracts	Financial Records	Product Designs
Customers	Identity Documents Service Requirements Usage Records	Contracts Service Instructions Billing Records	Banking Details System Configuration
Directors	Mandatory Disclosures	Resolution Records	
Employees	Identity Documents Payroll Records Contact Details Disability Claims	Curricula Vitae HR Process Records Insurance Contracts OHSA Records	Employment Contracts Banking Details IRP5 Submissions Loan Agreements
Public Bodies	Contact Information		
Suppliers	Identity Documents Usage Records	Contracts Financial Records	Banking Details

2.5 Records Not Held

Healthcare Research Associates and its subsidiaries are committed to the principles of POPIA. As such, we do not gather records beyond what we require. In particular, Healthcare Research Associates and its subsidiaries do not hold or process special personal information relating to any of the following categories unless otherwise noted:

1. Religious and philosophical beliefs, except to respect our employees' practices.
2. Race or ethnicity, except where required by legislation.
3. Trade union membership.
4. Political persuasion.
5. Health, except as required by labour regulations and employee insurance.
6. Criminal behaviour, unless required by labour legislation.
7. Biometric information, except of employees for security purposes.
8. Personal information of children, except for employee insurance cover.

2.6 Third Parties

To provide its services, Healthcare Research Associates and its subsidiaries may send partner, customer, and supplier data to third party service providers and agents who render services to us:

1. Banks and related financial institutions.
2. Medical aid schemes and switches.
3. Messaging service providers.
4. Cloud platform providers.

Use of these service providers is on the basis that they fulfil the role of operator per POPIA, and consequently meet the security requirements as set out in Sections 20–21 of POPIA.

We do not share personal information with data brokers or similar organisations.

Healthcare Research Associates and its subsidiaries favour the use of organisations that operate primarily within the borders of the Republic. We will only transfer personal information across South African borders if no local equivalent providers are suitable, and only in accordance with the requirements of Section 72 of POPI.

POPIA and PAIA provide for circumstances where we may be required to share information with third parties. Such circumstances include the demands of government, regulators, or organs of state, and the issuance of a legal subpoena against the Company.

2.7 Information Security

Healthcare Research Associates and its subsidiaries apply international standards for risk management, information security management, and privacy systems.

Standard	Description
ISO 2700x	Security techniques — Information security management systems
ISO 29100	Security techniques — Privacy framework
ISO 31000	Risk management

2.8 PAIA Classification Scheme

Healthcare Research Associates and its subsidiaries apply a PAIA Classification Scheme to the records they process. This scheme determines the grounds under which Healthcare Research Associates and its subsidiaries may determine that a request for information may be granted or refused.

PCSC	Description
Records that may be disclosed or must be disclosed	
PR/P/PAD	Public domain: A record placed into the public domain by the Company.
PR/P/ENV	Environmental: Non-preliminary results of environmental or product testing or investigation that reveal serious risks per PAIA §64(2)(b) or §64(3) or §68(2).
PR/P/CON	Consented information: Disclosure permitted per the consent or waiver of a third party per PAIA §63(2)(a) or §64(2)(a) or §67.
PR/P/PIN	Public Interest: Disclosure is in the public interest per PAIA §70.
Records that may be disclosed with limitations permissible by legislation	
PR/R/PHR	Health records: Such information will only be released subject to meeting the requirements of PAIA §61.
PR/R/PII	Personal information of natural persons: Such information will be released subject to meeting the requirements of PAIA §63.
Records that may not be disclosed	
PR/C/3CI	Third party commercial information: Such information will not be disclosed, per the mandatory restrictions of PAIA §64, unless the party has consented in writing.
PR/C/NDA	Third party non-disclosure agreement: Information of a third party that is protected by a confidentiality agreement will not be disclosed, per PAIA §65.
PR/C/SEC	Safety and security: Information that may comprise safety or security will not be disclosed, per PAIA §66.
PR/C/JUD	Legal proceedings: Information that is privileged from production in legal proceedings will not be disclosed, per PAIA §67.
PR/C/COM	Commercial information: Information of the Company that meets the standards of PAIA §68 will not be disclosed.
PR/C/RND	Research information: Research information that would prejudice the Company or a third party will not be disclosed, per PAIA §69.

3 PAIA Requests for Information

Please follow this process to make a PAIA §53 request for information.

1. Complete the forms defined by the Department of Justice in Regulation 10. These forms are available from: https://www.justice.gov.za/forms/form_paia.htm.
2. Send the completed forms and supporting documentation to the Information Officer of the Company per the contact details above.
3. The Company will charge the fees under the provisions of PAIA §54 as defined by the Department of Justice and amended from time to time. The relevant fee schedule may be available from the DOJ at <https://www.justice.gov.za/paia/paia-faq.htm>. Please note that the listed fees may be exclusive of VAT, which the Company is obliged to charge.
4. The Company will review the request per PAIA §56 and classify the information requested per the scheme defined in Section 2.8 of this document. Such classification may require that we take additional steps to meet the legal requirements.
5. We may be required to make contact with a third party to whom the information relates. The third party may object. This circumstance will be handled per PAIA §71–73.
6. If the requested information cannot be found or does not exist, the Company will notify you per the requirements of PAIA §55.
7. The Company may require additional time to process your request as allowed in PAIA §57.
8. If all requirements are met, and the Company deems the information to be accessible to you, it will make the information available to you per PAIA §60. It may be that we can make available only parts of your requests, which we will endeavour to do so under PAIA §59.

If it should happen that you feel aggrieved by the decision of the Company upon exhaustion of the process, you may, by way of an application, within 30 days apply to a court for appropriate relief in terms of PAIA §82. Alternatively, you may be able to contact the South African Human Rights Commission: Phone +27–11–484–8300 and request to talk to an official of the PAIA Unit.

4 POPIA Requests

POPIA §5 establishes rights of data subjects to have their personal information processed in accordance with conditions for the lawful processing of personal information. For the precise details of these rights, you may refer to the POPI Act, or make enquiries with the Information Regulator at the contact details in Section 1.7 above.

Some of those rights you may exercise by making contact with us. Our summary of these is:

- To find out if we hold personal information about you.
- To find out what personal information we hold about you.
- To request that we correct your information.
- To request that we don't process your information for a particular purpose.
- To request that we destroy your personal information.
- To opt out of marketing communications.

You may make any of these requests by contacting our Information Officer at the contact details given in Section 1.4 above. Please note that some of the requests may require that you pay a fee as has been prescribed by the Information Regulator.

5 Compliance Traceability

The following table, for reference, sets out the sections in this manual that fulfil the various legislative requirements of PAIA.

Requirement	This Manual	Requirement	This Manual
PAIA §51(1)(a)	§1.4	PAIA §62	§2.8
PAIA §51(1)(b)	§1.6	PAIA §63	§2.8
PAIA §51(1)(c)	§2.2	PAIA §64	§2.8
PAIA §51(1)(d)	§2.1	PAIA §65	§2.8
PAIA §51(1)(e)	§2	PAIA §66	§2.8
PAIA §51(1)(f)	N/A	PAIA §67	§2.8
PAIA §53	§3	PAIA §68	§2.8
PAIA §54	§3	PAIA §69	§2.8
PAIA §55	§3	PAIA §70	§2.8
PAIA §56	§3	PAIA §71	§3
PAIA §57	§3	PAIA §72	§3
PAIA §59	§3	PAIA §73	§3
PAIA §60	§3	PAIA §78	§3
PAIA §61	§2.8		