PAIA MANUAL

UMSEBE HEALTHCARE CC
CK 2009/091861/23

Prepared in terms of section 51 of the Promotion of Access to Information Act No. 2 of 2000 (as amended)

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1. LIST OF TERMS, ACRONYMS AND ABBREVIATIONS

1.1 **"CEO":** Chief Executive Officer

1.2 **"Data Subjects":** Natural or Juristic Persons to whom the Personal Information relates

1.3 **"DIO":** Deputy Information Officer;

1.4 **"IO":** Information Officer;

1.5 **"Manual"**: this manual published in compliance with Section 51 of PAIA, together with all annexures thereto;

1.6 **"Minister":** Minister of Justic and Correctional Services;

1.7 **"PAIA":** Promotion of Access to Information Act No. 2 of 2000(as Amended);

1.8 "**Personal Information":** has the meaning ascribed thereto under POPIA;

1.9 **"POPIA":** Protection of Personal Information Act No.4 of 2013;

1.10 **"Processing":** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including; the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; or dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, and "Process" has a corresponding meaning;

1.11 **"Record":** any recorded information, regardless of form or medium, which is in in the possession or under the control of Umsebe, irrespective of whether it was created by Umsebe Healthcare;

1.12 **"Regulator":** the Information Regulator;

1.13 **"Republic":** Republic of South Africa

1.14 "**Requestor":** any person, including a public body or an official thereof, making a Request for access to a Record of Umsebe Healthcare and includes any person acting on behalf of that person.

2. INTRODUCTION

2.1 This Manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (**"PAIA")**. PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. Umsebe Healthcare CC ("**Umsebe"**) is a private body as defined in PAIA, and this Manual contains the information specified in Section 51(1) of PAIA, which is applicable to such a private body.

2.2 The aim of this Manual is to assist Requestors in requesting access to information (documents, records and/or Personal Information) from Umsebe as contemplated in PAIA.

2.3 This Manual may be amended from time to time, and once any amendments have been affected, the latest version of this Manual will be distributed and published in accordance with PAIA.

2.4 A Requestor is invited to contact Umsebe's Information Officer (see contact details below) should he/she require any assistance with the use or content of this Manual. The reference to any information in addition to that specifically required in terms of Section 51 of PAIA does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA.

3. OVERVIEW OF CORPORATION

3.1 **Umsebe Healthcare CC** (Registration No: CK 2009/09186/23) is a close corporation incorporated in accordance with the Close Corporations Act No, 69 of 1984 of South Africa, trading under the name of "**Umsebe Healthcare"** and constitutes a *"private body"* under PAIA.

3.2 Umsebe Healthcare is an importer, exporter, and distributor of pharmaceutical products and Medical Devices in South Africa and Southern Africa. We supply pharmaceutical products and Medical Devices through licensed channels including:

- Wholesalers
- Pharmacies
- Hospitals
- Healthcare Practitioners
- Healthcare Institutions
- Government and private healthcare providers

3.3 Umsebe Healthcare does not ordinarily provide direct clinical treatment to patients and does not generally operate as a patient-facing healthcare provider.

3.4 As stated above, PAIA requires the Information Officer of a private body to compile a PAIA Manual that contains information of the records it holds.

4. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

4.1 check the categories of records held by Umsebe Healthcare which are available without a person having to submit a formal PAIA request;

4.2 have a sufficient understanding of how to make a request for access to a Record held by Umsebe Healthcare, by providing a description thereof and the category of such Record;

4.3 know the description of the records held by Umsebe Healthcare in accordance with other legislation;

4.4 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;

4.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access thereto;

4.6 know if Umsebe Healthcare 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;

4.7 know the description of the categories Data Subjects and of the information or categories of information relating thereto;

4.8 know the recipients or categories of recipients to whom the Personal Information may be supplied;

4.9 know if Umsebe Healthcare 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

4.10 know whether Umsebe Healthcare has appropriate security measures in place to ensure the confidentiality, integrity and availability of the Personal Information which is to be processed.

5 CONTACT DETAILS FOR ACCESS TO RECORDS HELD BY UMSEBE HEALTHCARE.

5.1 Information Officer

Name:	Dineshree Naiker
Office Number:	+27 21 202 5742
Cellular Number:	+27 82 615 7827
Email:	dineshree@umsebe.com

5.2 Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details* of *every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

Name:	Kacy Rajappen
Office Number:	+27 21 202 5742
Cellular Number:	+27 82 873 3925
Email:	kacy@umsebe.com

5.3 Access to information general contacts

Email: info@umsebe.com

5.4 National or Head Office

Physical Address:	506 Sunclare Building 21 Dreyer Street, Claremont Cape Town, South Africa.
Postal Address:	Box 25 Sunclare building, 21 Dreyer street, Claremont, Cape town, 7708
Telephone:	+27 21 202 5742
Email:	info@umsebe.com
Website:	www.umsebe.com

6 HOW TO ACCESS THE PAIA GUIDE AS DESCRIBED IN SECTION 10(1) OF PAIA

6.1 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.

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

6.3 The aforesaid Guide contains the description of-

6.3.1 the objects of PAIA and POPIA;

6.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

6.3.2.1 the Information Officer of every public body, and

6.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA[1] and section 56 of POPIA[2];

6.3.3 the manner and form of a request for-

6.3.3.1 access to a record of a public body contemplated in section 11[3]; and

6.3.3.2 access to a record of a private body contemplated in section 50[4];

6.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;

6.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

6.3.6 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-

6.3.6.1 an internal appeal;

6.3.6.2 a complaint to the Regulator; and

6.3.6.3 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;

6.3.7 the provisions of sections 14[5] and 51[6] requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

6.3.8 the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

6.3.9 the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid in relation to requests for access; and

6.3.10 the regulations made in terms of section 92[11].

6.4 Members of the public can inspect or make copies of the Guide from the offices of Umsebe Healthcare in Claremont, Cape Town, or at the office of the Regulator, during normal working hours.

6.5 The Guide can also be obtained-

6.5.1 upon request to the Information Officer;

6.5.2 from the website of the Regulator (https://www.justice.gov.za/inforeg/).

6.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

6.6.1 English and Afrikaans.

7 CATEGORIES OF RECORDS HELD BY UMSEBE HEALTHCARE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Categories of records held by Umsebe Healthcare which are automatically available to the public without a person having to request access thereto:

Type of Record	How to access
Close Corporation Information	Visit Umsebe Healthcare Website
CIPC Registration Documents	BizPortal
Close Corporation Members	BizPortal
Privacy Policy	Visit Umsebe Healthcare Website
PAIA Manual	Visit Umsebe Healthcare Website

8 CATEGORY OF RECORDS HELD BY UMSEBE HEALTHCARE WHICH ARE NOT AUTOMATICALLY AVAILABLE TO THE PUBLIC

The following records are held by Umsebe Healthcare in electronic or hard copy format that are not automatically available to the public and that may be **formally requested in accordance** with the PAIA Regulations and subject to clause 10.2 below

Category of Records	Types of Records
Statutory Documents	• CK1 Documents • Resolutions • Minutes • CIPC Annual Returns
Business Records	• Annual Reports • Business Strategy Plan • Annual Performance Plan • Commercial Agreements • Confidentiality and Non-Disclosure Agreements • Supplier agreements • Distributor agreements • Product detail Information • Supply Chain Strategy and Relationship Management Records • Corporation Contracts with third parties • Business Development documents • Prospective Suppliers and product information • Buying Group agreements • Confidential Legal correspondence

Pharmaceutical Product Records	• Product Information • Product Quality & Safety Protocols • Adverse Event Reports and Pharmacovigilance Records • Product Registration Documents & License(s) • Permits and Licenses • Import and Export Documents • Tariff classifications and customs declarations • Permits and licenses for pharmaceutical imports & exports • Product safety & quality information • Product Testing Records
Product Quality Assurance Records	• Product testing records • Batch records • Complaint handling records
Customer Records	• Confidential Customer Personal Information • Confidential Customer History • Confidential Customer Correspondence • Confidential Vendor and Supplier Information
Patient Records	• Confidential Personal Information • Confidential Special Information
Supplier/Distributor Records	• Contracts with Suppliers • Contracts with Distributors • Supply Chain Strategy & Relationship Management Plans
Human Resources Records	• Confidential Employee Information • HR policies and procedures • Confidential Employment Contracts • Record of job postings, applications and job descriptions • Skills Development and Training Plan(s) • Employment Equity Plan and Statistics • Salaries and Payroll details

	• Confidential correspondence with Employees • Payroll Records • Leave and Attendance Records • Disciplinary Records and Grievance Files • Employee Performance Management Plans
Financial Records	• Annual Financial Statements • Management Accounts • Bank Statements • Balance Sheets • Financial Reports • Accounting Records • Budgets • Invoices and receipts from Suppliers/Distributors
Strategic Records	• Annual Report • Strategy Plans
Marketing Records	• Marketing Material • Social Media Material
Insurance Records	• Insurance Policy
Tax Records	• Income Tax Number • VAT Number • Income Tax Assessments and Returns • VAT Tax Assessments and Returns • Custom Duties Records • IRP5 Forms • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees: PAYE/SDL/UIF • Income Tax Number • Workmen's Compensation Skills Development Levies

Regulatory Records	• Regulatory correspondence • SAPHRA correspondence • SAPHRA Membership Information • Customs & Excise Records • Good Distribution Practice Compliance Records

9 RECORDS AVAILABLE IN TERMS OF LEGISLATION: Section 51 (1)(d) of PAIA

9.1. Umsebe Healthcare holds the following records that it is required to hold by law.

9.2. The following legislation creates the obligation to keep certain records:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008
- Close Corporation Act No. 71 of 2008
- Compensation for Occupational Injuries and Disease Act No. 130 of 2008
- Promotion of Access to Information Act No, 2 of 2000
- Medicines and Related Substances Act 101 of 1965
- Electronic Communication and Transaction Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Value Added Tax Act No. 89 of 1991
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1955
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act & Regulations No. 85 of 1993
- Skills Development Act No. 97 of 1998
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991
- Copyright Act No. 98 of 1978

Such records shall be made available only to those individuals/entities authorized to request access to such records in terms of the applicable legislation. Any other persons must follow the Request for Access of Records Procedure as outlined in this Manual.

10 HOW TO REQUEST ACCESS TO RECORDS HELD BY UMSEBE SECTION 51(e)

10.1 **PAIA** grants a Requestor access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request in terms of PAIA, the public body must be acting in the public interest.

10.2 **POPIA** provides that a Data Subject may, upon proof of identity, request Umsebe Healthcare to confirm, free of charge, all the information it holds about a Data Subject. **POPIA** provides that a Data Subject may object, at any time, to the processing of Personal Information by Umsebe Healthcare on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing.

10.3 As stated above, Umsebe Healthcare has appointed an **Information Officer** to deal with all matters relating to **PAIA**, in order comply with its obligations thereunder. To request access to a record, please complete **Form 2** annexed hereto.

10.4 Please submit the **completed Form** (together **with** proof of the relevant **request fee** we explained below) to our Information Officer's email address or at our physical address.

10.5 Please ensure that the completed form contains the following information:

10.5.1. enough information for the Information Officer to identify (i) you, the Requestor, (ii) the requested records and (iii) the form of access you require;

10.5.2. specifies your email address, physical address, postal address;

10.5.3. in addition to a written reply, any other manner that is to be used to inform the Requestor and state the necessary particulars to be so informed (see s 53(2)(a) and (b) and (c) and (e) of PAIA);

10.5.4. describes the right that you seek to exercise or protect;

10.5.5. explains why you need the requested record(s) to exercise or protect that right;

10.5.6. provides any other way you would like to be informed of our decision, other than in writing; and

10.5.7. provides proof of the capacity in which you are making the request if you are making it on behalf of someone else, Umsebe Healthcare shall decide whether this proof is satisfactory). (See section 53(2)(f) of PAIA).

10.6. If you do not use the standard form, Umsebe Healthcare may:

10.6.1 reject the request due to lack of procedural compliance;

10.6.2 refuse it if you do not provide sufficient information; or

10.6.3 delay it.

10.7. A Data Subject may also request Umsebe Healthcare to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that Umsebe Healthcare is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

11 FORM OF ACCESS

11.1 Umsebe Healthcare shall evaluate and consider all Requests for Information received. If Umsebe Healthcare approves a request, it shall decide how to provide access to the Requestor unless the Requestor has asked for access in a specific form.

11.2 Publication of this PAIA Manual does not give rise to any rights to access information records of Umsebe Healthcare, except in terms of PAIA.

12 PRESCRIBED FEES

12.1 **Request Fee**

12.1.1 When submitting a request for information, the Requestor is required to pay Umsebe Healthcare a **Request Fee** as the law prescribes from time to time, as set out in **Annexure "2**"

12.1.2 A Requestor shall pay the prescribed fee, before Umsebe Healthcare provides access to the information requested.

12.1.3 A Requestor shall receive a notice from the Information Officer upon receiving a request, setting out the application procedure.

12.2 **Access Fee**

12.2.1. If Umsebe Healthcare grants a request for access to information, the Requestor shall also pay Umsebe Healthcare an **Access Fee** (as prescribed by law, from time to time), as set out in **Annexure "2**" that includes a fee for the time it takes Umsebe Healthcare to handle a specific request(s) and/or if the time has exceeded the prescribed hours, the time spent to search and prepare the record(s) for disclosure. The Information Officer shall notify the Requestor if he/she needs to pay a deposit in respect of the Access fee. The deposit may be up to 1/3rd (one third) of the prescribed Access Fee.

12.2.2. The Access Fee shall provide for:

- the costs of making the record, or transcribing the record;
- a postal fee (if applicable); and
- the reasonable time the authorised employee(s) of Umsebe Healthcare requires to search for the record(s) requested and prepare such record(s) for the requestor.

12.2.3. If the Requestor paid the deposit and Umsebe Healthcare refused a request, Umsebe Healthcare shall refund such deposit amount. Until the Requestor has paid all the applicable fees, Umsebe Healthcare is entitled to withhold the records requested.

13 GROUNDS TO REFUSE ACCESS

13.1. Umsebe Healthcare may refuse access to certain records in terms of PAIA to *inter alia* protect:

- a client/customer/employee/third party's privacy;
- a client/customer/third party's confidential information;
- the safety of its directors, employees, clients, customers, individuals, and property;
- another company's commercial information; and/or
- records that are privileged from production in legal proceedings.

13.2. Decision on providing access to information:

13.2.1 Umsebe Healthcare shall notify the requestor in writing whether his/her request has been approved or denied within **30 (thirty) calendar days** after receiving such

request. If Umsebe Healthcare is unable to find a copy of the record requested, or it transpires that such record(s) does not exist, the Information Officer shall notify the requestor by way of affidavit that it is not possible to provide access to such record(s).

14 PROCESSING OF PERSONAL INFORMATION

14.1. Purpose of Processing Personal Information

Umsebe Healthcare processes Personal Information to fulfil its legitimate business operations as a pharmaceutical importer and distributor. This includes managing employment relationships, maintaining supplier and client partnerships, ensuring financial and regulatory compliance, and executing operational activities necessary to the conduct of our business.

14.2 Description of the categories of Data Subjects and Personal Information relating thereto that may be processed

The table below shows the categories of data subjects and the description of the nature or categories of the Personal Information to be processed. Note that the nature or categories of the Personal Information is dependent on the purpose of the body in performing its functions or services.

Categories of Data Subjects	Personal Information that may be processed
Service Providers	Names, registration numbers, vat numbers, address, service/product details, trade secrets and bank details.
Employees and Contractors	Names, physical and postal address(es), identity numbers, gender, pregnancy; marital status; race, age, language, educational information (qualifications); financial information; employment history; contact details (contact number(s), email address); bank details, employment status, criminal clearance certificates, medical records and personal information of next of kin.
Customers	Names, registration numbers, telephone and email details, vat numbers, physical and postal address, service/product details, trade secrets and bank details.

Patients	Confidential Personal Information and Special Information (as defined in POPI Act).
Suppliers	Names, registration numbers, telephone and email details, vat numbers, physical and postal address, service/product details, trade secrets and bank details.

14.3 **The recipients or categories of recipients to whom the Personal Information may be supplied:**

Personal Information	**Category of Recipients to whom the Personal Information may be supplied**
Employee names & Identity numbers	South African Police Services: criminal checks
Academic Qualifications and Certificates	South African Qualifications Authority: qualification verification of employees
Adverse Event Reports and Pharmacovigilance Data	South African Health and Pharmaceutical Authority
Credit and payment history of Employees and Customers	Credit Bureau: credit information
Tax- PAYE of Employees	South African Revenue Service
Identity number, email address, telephone numbers, physical address, bank details of employees and Customers (if required)	Auditors/Bookkeepers
Patient names, Identity numbers, addresses, gender, race, age, marital status, medical records and Special Information	Medical aids (patient assistance with funder queries)

14.4 Planned transborder flows of Personal information

Umsebe Healthcare may from time to time as part of its role as an Importer, Exporter and Distributor of Pharmaceutical products share and process Personal Information of Data Subjects with third parties in other countries.

When processing Personal Information of Data Subjects in this manner, the parties need to comply with the provisions of POPIA. Such transfer of Personal Information will only be done if the following requirements are met:

- The processing with the third-party recipient is subject to a law or agreement that provides an adequate level of protection, and such processing complies with the conditions for reasonable processing;
- The processing will comply with conditions that are the same or similar to the metrics of POPIA;
- Consent by the Data Subject to the transfer has been obtained;
- Such transfer is necessary for the performance of a contract that is in the interest of the Data Subject, and

- The transfer is for the benefit of the Data Subject, and it is either not reasonably practicable to obtain the consent of the Data Subject or if reasonably practicable, the data subject would be likely to give such consent.

14.4.1 General description of Information Security Measures to be implemented by the Responsible Party to ensure the confidentiality, integrity and availability of the Personal Information

Umsebe Healthcare has implemented various safeguards to ensure confidentiality and integrity of Personal Information of its Employees, Customers and Medical Records under its care by and its security practices are continuously updated to keep pace with information technology advancement. To this end, Umsebe Healthcare endeavors to consistently improve the protection and security of Personal Information by ensuring that adequate information security controls and protocols are implemented.

As part of Umsebe HealthCare's commitment to its employees, customers, trade partners and community data is secured by maintaining reasonable measures to protect Personal information from loss, misuse, unauthorised access, disclosure, alteration and destruction.

In addition, reasonable steps are also taken to keep the Personal Information accurate, complete, and reliable for the intended use.

Umsebe Healthcare has implemented protocols and measures aimed at ensuring that access to Personal Information is restricted and that such information may only be accessed by way of the Data Subject's written consent which may later be revoked on fulfilment of objective of processing such information, the termination of employment, etc. and in accordance with the Manual.

Information Security Measures and Safeguards that have been put in place include, but are not limited to:

- Password Protection on all electronic devices;
- Data Access Matrix which controls who has access to which on-line folders. Employees are only granted access to on-line folders that are required for them to complete their daily tasks;
- End to End Encryption on messaging service;
- Anti-virus Software;
- Anti Malware Solutions;
- Data Breach Management Plan;
- Privacy Policy in accordance with POPIA;
- Operator Agreements with Responsible Parties;
- Confidentiality Agreements with employees, contractors and third parties to ensure Personal Information of employees, contractors and third parties (whichever is applicable) is kept confidential and used only for the intended purpose, and not shared without reason and/or consent.
- Email Disclaimers to ensure emails are for intended recipients only.
- Hard Copy personal files are kept in a locked and secure cabinet.
- Secure document destruction occurs once files are no longer needed to be kept for any legal, statutory or procedural purposes.

15 REMEDIES AVAILABLE IF UMSEBE HEALTHCARE REFUSES ACCESS TO RECORDS

If Umsebe Healthcare denies a request for access to a record(s), then the Requestor may apply to a court with appropriate jurisdiction or complain to the Information Regulator.

16 AVAILABILITY OF THE MANUAL

16.1. This Manual is made available in the following official language –

16.1.1. English

16.2 A copy of the Manual is available-

16.2.1 on www.umsebe.com;

16.2.2 head office of Umsebe Healthcare for public inspection during normal business hours;

16.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

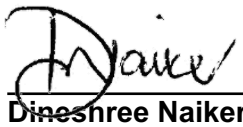
16.2.4 to the Information Regulator upon request.

16.3 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.

17 UPDATING OF THE MANUAL

The Information Officer of Umsebe Healthcare will on a regular basis update this manual.

Issued by



Dineshree Naiker
Chief Executive Officer
Umsebe Healthcare CC