

PAIA MANUAL

This manual was prepared in terms of section 51 of the Promotion of Access to Information Act of 2000 (as amended) and to address requirements of the Protection of Personal Information Act, 2013. This manual applies to

Humor Diagnostica (PTY) Ltd, Registration Number 1997/008200/07

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1. List of Acronyms and Abbreviations

- 1.1 "MD" Managing Director.
- 1.2 "DIO" Deputy Information Officer.
- 1.3 "Guide" PAIA Manual.

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- 1.4 "IO" Information Officer.
- 1.5 "Minister" Minister of Justice and Correctional Services.
- 1.6 "PAIA" Promotion of Access to Information Act No. 2 of 2000 (as Amended).
- 1.7 "POPIA" Protection of Personal Information Act No.4 of 2013.
- 1.8 "Regulator" Information Regulator.
- 1.9 "Republic" Republic of South Africa.

2. Purpose of the PAIA Manual

The Promotion of Access to Information Act, No. 2 of 2000 (the "Act") 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.

In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual ("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 to 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.
- 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 Humor Diagnostica

3.1 Chief Information Officer

Name: Christell le Roux (Managing Director)

Tel: 012 379 3553

Email: leroux@humordiagnostica.co.za

3.2 Deputy Information Officer

Name: Marietjie Meyer

Tel: 012 379 3553

Email: marietjie@humordiagnostica.co.za

3.3 Access to Information General Contacts

Email: info@humordiagnostica.co.za

3.4 National or Head Office

Postal address: Postnet Suite 591, Private Bag x10, Elarduspark, 0047, Pretoria, South Africa

Physical address: 379 Taljaard Street, Hermanstad, 0082, Pretoria, South Africa

E-mail: leroux@humordiagnostica.co.za

Website: www.humordiagnostica.co.za and www.utest.co.za

Tel: +27 (0) 12 379 3553

Fax: 086 6571 956

4. Guide on How to Use PAIA and How to Obtain Access to the Guide

4.1 An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA.

4.2 The Guide is available in English and Afrikaans.

4.3 This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated English Guide are available from the Information Regulator or the company website. Copies of the Afrikaans Guide are available from the Information Officer. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 2 of Annexure A promulgated under the PAIA Regulations.

4.4 The Objectives of This Guide

- To provide a list of all records held by the legal entity
- To set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied
- To define the manner and form in which a request for information must be submitted
- To comply with the additional requirements imposed by POPIA

4.5 Entry Point for Requests

- PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right. If a public body lodges a request, the public body must be acting in the public interest
- Information will therefore not be furnished unless a person provides sufficient particulars to enable Humor Diagnostica to identify the right that the Requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right
- The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance

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- PAIA and the request procedure contained in this Guide may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings
- The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA
- The Information Officer will facilitate the internal liaison of all of these requests
- All requests in terms of PAIA and this Guide must be addressed to the Information Officer using the details in paragraph 3 above
- Requests in terms of PAIA and this Guide shall be made in accordance with the prescribed procedures, forms and at the rates provided by PAIA

5. Categories of Records of Humor Diagnostica Which Are Available Without a Person Having to Request Access

Records automatically available include information contained on the company's web pages that are accessible to anyone who has access to the Internet. It can be downloaded from the website.

- Vision, mission and values
- Product information
- Brochures
- Various other marketing and promotional material
- Privacy statement
- Terms of use of the website
- PAIA Manual

6. Description of the Records of Humor Diagnostica Which Are Available in Accordance With Any Other Legislation

Please note that while Humor Diagnostica has made every effort to identify all pertinent legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. All records that are legally required to be kept by the company in terms of the following legislation are available.

If a Requester believes that a right of access to a record exists in terms of other legislation listed or any other legislation, the Requester is required to indicate what legislative right the request is based on, as well as an explanation as to why the requested information is required for the exercise or protection of that right, to allow the Information Officer the opportunity of considering the request in light thereof.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this Guide.

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993

- Occupational Health and Safety Act 85 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Skills Development Levies Act 9 of 1999
- Any other legislation relevant to the business concerned
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Customs and Excise Act 91 of 1964
- Customs Duty Act 30 of 2014
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Electronic Communications Act, 36 of 2005
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000
- Medicines and Related Substance Act 101 of 1965
- National Environmental Management Waste Act 59 of 2008

7. Subjects and Categories of Records Available on Request Held Under PAIA

Humor Diagnostica maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Guide does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Please note further that many of the records held by Humor Diagnostica are those of third parties, such as customers, suppliers and employees. Humor Diagnostica takes the protection of third-party confidential information very seriously. In particular, where Humor Diagnostica acts with customers and suppliers, many of the records held are confidential or are the property of the customer or supplier and not of Humor Diagnostica. For further information on the grounds of refusal of access to a record please see paragraph 11.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

7.1 Companies Act Records

- Documents of incorporation
- Director names and CIPC declared information related to it
- Shareholding and CIPC declared information related to it

- Minutes of board of directors' meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share register and other statutory registers

7.2 Financial Records

- Annual financial statements
- Tax returns
- Accounting records
- Banking details, accounts, statements and records
- Asset register
- Rental agreements
- Invoices and credit notes
- Debtors / creditors statements
- General ledgers and subsidiary ledgers
- Risk and risk management reports

7.3 Income Tax Records

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances including VAT, Skills Development Levies, UIF and Workmen's Compensation

7.4 Personnel Documents and Records

- Employment contracts
- Employment equity plan
- Work skills plan
- Medical aid records
- Pension fund records
- Disciplinary records
- Salary records
- SETA records
- Leave records
- Training records
- Policies and procedures
- Safety, Health and Environmental records
- Minutes of SHE meetings
- Address lists
- COID records
- Forms and applications
- Payroll reports

7.5 Customer or Supplier Records

- Contracts or agreements
- Information and records provided by a third party
- Standard Terms and Conditions
- Lists of suppliers, customers, products, services and distribution
- Policies and Procedures
- Advertising and promotional material

8. Description of the Subjects on Which Humor Diagnostica Holds Records (Information Collected) and Categories of Records Held on Each Subject

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Humor Diagnostica will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to the Humor Diagnostica Privacy Statement available on our websites for further information.

The information is classified and grouped according to records relating to the following subjects and categories.

8.1 Employees

- Name and contact details
- Identity number
- Address detail (physical and postal)
- Contact information including next of kin
- Statutory details including tax number
- Gender
- Title
- Ethnic group
- Employment history and references
- Service details
- Employee number
- Banking and financial details
- Details of payments to third parties (deductions from salary)
- Employment contracts
- Employment equity plans
- Medical aid records
- Pension fund records
- Remuneration/salary records
- Performance appraisals
- Disciplinary records
- Leave records
- Training records
- Qualifications
- Parental status
- Biometrics

- Medical records
- Marital status
- Disability status
- Criminal records
- Work related accidents and injuries

8.2 Customers and Prospective Customers

- Title and name or company information including registration number
- Postal and/or street address
- Delivery address and records
- Contact information including numbers and/or e-mail address
- Banking and financial information
- Order records
- Payment details
- Customer number
- Product compliant records
- VAT numbers

8.3 Suppliers and Service Providers

- Title and name or company information including registration number
- Postal and/or street address
- VAT numbers
- Contact information including numbers and/or e-mail address
- Banking and financial information
- Order records
- Payment details
- Supplier number
- Product compliant records
- Agreement records
- Information about products or services
- Other information related to business requirements

9. Processing of Personal Information

9.1 The Purpose of Processing Personal Information

Employees

- Legal compliance
- Payroll processing
- Verification of applicant employee information during recruitment process
- General matters relating to employees: Pension, medical aid, payroll, disciplinary action, training, performance appraisal, etc.
- Any other reasonably required purpose relating to the employment or possible employment relationship

Customers and prospective customers

- Performing duties in terms of any agreement or order received
- Making, or assist in making, credit decisions
- Operating and managing accounts and managing any application, agreement or correspondence
- Communicating (including marketing) by email, SMS, letter, telephone or in any other way about the company's products
- To form a view of their needs and to identify, develop or improve products, that may be of interest to them
- Carrying out market research, business and statistical analysis
- Performing other administrative and operational purposes
- Recovering any debt owed to Humor Diagnostica
- Complying with regulatory and other obligations
- Any other reasonably required purpose relating to business
- Verifying and updating information

Suppliers and service providers

- Verifying information and performing checks
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties
- Paying invoices
- Complying with the regulatory and other obligations
- Any other reasonably required purpose relating to business

9.2 The Recipients or Categories of Recipients to Whom the Personal Information May be Supplied

- Any firm, organisation or person that Humor Diagnostica uses to collect payments and recover debts or to provide a service on its behalf
- Any payment system the company uses
- Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the company has a duty to share information
- Credit bureaux
- Third parties to whom payments are made on behalf of employees
- Financial institutions from whom payments are received on behalf of data subjects
- Any other operator not specified as needed for operational, legal or regulatory purposes
- Employees, contractors and temporary staff and agents as needed for operational, legal or regulatory purposes
- To store information electronically

9.3 Planned Transborder Flow of Personal Information

- Storing information electronically
- Making use of third-party service providers to fulfil a business function on behalf Humor Diagnostica
- Meeting customer and supplier obligations located across borders

9.4 General Description of Information Security Measures to be Implemented by Humor Diagnostica

Humor Diagnostica takes extensive information security measures to ensure the security, confidentiality, integrity and availability of personal information in our possession. This is supported by appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

10. Availability of the Manual

- 10.1 A copy of the English Guide is available on the websites for download, from the Information Regulator or Information Officer. Copies of the updated Afrikaans Guide are available from the Information Officer.
- 10.2 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.
- 10.3 Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 2 of Annexure A as the Government Notice promulgated under the PAIA Regulations.

11. Request for Information Procedure

11.1 Completion of the Prescribed Form

- Any request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A to Government Notice as promulgated under the PAIA Regulations and should be specific in terms of the record requested
- A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to the Requester
- POPIA provides that a data subject may, upon proof of identity, request Humor Diagnostica to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information
- POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Humor Diagnostica must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee
- Grounds for refusal of the data subject's request are set out in PAIA and are discussed below
- POPIA provides that a data subject may object, at any time, to the processing of personal information by Humor Diagnostica, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. Such a request must be made in writing to the Information Officer at the postal or physical address, or electronic mail address set out above
- A data subject may also request Humor Diagnostica 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 Humor Diagnostica is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions

- A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit in writing a request to the Information Officer at the postal or physical address, or electronic mail address set out above
- 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

11.2 Proof of Identity

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

11.3 Payment of the Prescribed Fees

- There are two categories of fees which are payable: The request fee and the access fee
- A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable
- PAIA entitles Humor Diagnostica to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs
- These fees are set out in Annexure B of the Government Notice as promulgated under the Regulations of PAIA
- When a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full

11.4 Timeline for Consideration of a Request for Access

- Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed
- The Information Officer will inform the Requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with Form 3 of Annexure A to Government Notice promulgated under the PAIA Regulations
- Should an extension be required, the Requester will be notified, together with reasons explaining why the extension is necessary
- If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record. If no appeal has been lodged by the third-party Humor Diagnostica will make the decision to grant access or not
- There is no internal appeal procedure that may be followed after a request to access information has been denied. The decision made by the Information Officer is final. In the event that the Requester is not satisfied with the outcome of the request, the Requester is entitled to apply within 30 (thirty) days of notification of the decision to a court of competent jurisdiction to take the matter further
- If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the Requester that it is not possible to give access to the requested record

11.5 Grounds for refusal of access and protection of information

There are various grounds upon which a request for access to a record may be denied. These grounds include:

- The mandatory protection of personal information of a third person (who is a natural person) from unreasonable disclosure
- The protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party)
- If disclosure would result in the breach of a duty of confidence owed to a third party
- If disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person
- If the record was produced during legal proceedings, unless that legal privilege has been waived
- If the record contains trade secrets, financial or sensitive information or any information that would put Humor Diagnostica (at a disadvantage in negotiations or prejudice it in commercial competition)
- If the record contains information about research being carried out or about to be carried out on behalf of a third party or by Humor Diagnostica
- If the prescribed fees were not paid
- If the correct forms were not used, submitted as required, the legal right that the requester is seeking to protect was not clearly defined as well as an explanation as to why the requested information is required for the exercise or protection of that right was not provided
- If the request breach any law or regulatory obligation
- If proof of identity was not provided
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources

Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

12. Updating of the Manual

The head of Humor Diagnostica will on a regular basis update this manual.

Issued by

Christell le Roux

(Information Officer) (Managing Director)

This Manual is for informative and educational purposes only and will be governed by and construed in accordance with the laws of South Africa, without regard to its conflicts of law provisions. If for any reason, any provision of this Manual is found incorrect or inaccurate, that provision shall be enforced to the maximum extent permissible so as to affect the intent of the parties as reflected in that provision, and the remainder of the Manual shall continue in full force and effect. The section titles used in this Manual are purely for convenience and carry with them no legal or contractual effect. This document is version controlled by date and replaces all previous versions.