

NAME OF BUSINESS

Lomaen Medical (Proprietary) Limited

REGISTRATION NUMBER

1995/001319/07

MANUAL

In terms of Section 51 of
The Promotion of Access to Information Act 2 of 2000 ("**PAIA**")

DATE COMPILED

1 December 2020

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1 Introduction to and the type of business we conduct

Lomaen Medical (Pty) Ltd (“**we**” or “**us**” or “**our**”) conducts business by supplying, servicing and maintaining high-quality diagnostic equipment to the x-ray community. The company has more than 40 employees. Providing a range of quality products is only one of our strategies. Providing quality service ensures our success and builds customer satisfaction.

The Promotion of Access to Information Manual (“**Manual**”) provides an outline of the type of records and the personal information we hold and it explains how you (“**requester**” or “**you**” or “**your**”) could submit requests for access to these records in terms of PAIA.

A personal requester (“**personal requester**”) means a requester seeking access to a record containing personal information about himself/herself.

The Manual does not explain how to access or object to personal information held by us, or to request the correction thereof in terms of the Protection of Personal Information Act 4 of 2013 (“**POPIA**”).

PAIA and POPIA give effect to the constitutional right of individuals to access the information and records held by us as a private-sector enterprise.

A request for access can be made by following the prescribed procedures and at the rates provided for in PAIA.

This Manual and the required forms to be used and the applicable rates payable for such access are dealt with in section 5 below and are also available on our website at www.lomaenmedical.co.za. Alternatively, a copy of the Manual can be obtained from us – see our contact details below.

2 The PAIA Manual and its purpose

The Manual is compiled and made available in compliance with PAIA. It provides you with the information and details that you will require for the exercise of any right you may have in terms of PAIA.

To provide sound and effective governance of our business, you should understand that:

- you are empowered and educated about your rights in terms of PAIA, but
- we may resolve not to comply with a request you may lodge as the requester.

Section 9 of PAIA provides that the right to access to information is not unlimited and is subject to certain limitations, including:

- those aimed at reasonable protection of privacy,
- commercial confidentiality,
- effective and sound governance, and

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should be exercised in a manner which balances these rights with any other rights in terms of other legislation, including the Bill of Rights outlined in the Constitution.

The Manual has been compiled based upon the generic manual provided by the South African Human rights Commission ("**SAHRC**").

3 Contact details – Section 51(1)(a) of PAIA

Our contact details are as follows:

Managing Director and Information Officer	Mr Wayne Elliott
Sales director	Mr Patrick Maenetje
Technical Director	Mr Michael Solyom
Street Address:	8 Friesland Drive Longmeadow Business Estate South Modderfontein, Johannesburg
Postal Address:	P O Box 337, Isando, 1600
Telephone:	+27 11 608 3150
Fax:	+27 11 608 3243
eMail:	sales@lomaen.co.za
Website:	www.lomaenmedical.co.za

4 The Section 10 Guide – Section 51(1)(b) of PAIA

PAIA grants you as a requester the right to request access to our records if the record is required by you to exercise or protect any of your rights.

If a public body files such a request with us, it must do so while acting in the public interest.

Requests for access must be made in terms of PAIA and using the prescribed procedures and form, at the rates provided – see section 5 below.

You are also referred to the Guide published by the SAHRC in terms of Section 10 of PAIA ("**Guide**"), outlining information and details you may require for exercising your rights.

The Guide can be obtained from the SAHRC whose contact details are as follows:

Postal Address:	Private Bag 2700 Houghton 2014
Telephone:	+27 11-877 3600

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Website	www.sahrc.org.za
Fax:	+27 11 403 0625

5 Applicable legislation – Section 51(1)(c) of PAIA

Records are available in terms of the following legislation applicable to our business:

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Constitution of the Republic of South Africa 2008
- Customs and Excise Act 91 of 1964
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 63 of 2001
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

6 Notice of information available without request – Section 52(2) of PAIA

We have not published any notice regarding the categories of records that are available without a requester having to request access in terms of PAIA.

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7 Schedule of information available without request – Section 51(1)(c) of PAIA

All records or information available on our website or published by us in the media are available without any request.

Other non-confidential records and information, such as statutory records maintained at CIPC, can also be accessed with a request directed either directly at CIPC, or from our Information Officer. A requester will, however, have to schedule an appointment with our Information Officer for such purpose.

8 Schedule of records only available upon request – Section 51(1)(d) of PAIA

The following categories of records and information are considered to be of a confidential nature and are only available upon the filing of a request in terms of PAIA.

8.1 Personnel

Our personnel, if any, refer to remunerated individuals:

- in our employment, or
- who provide services to us or on our behalf to others,
- who assist in carrying out or conducts our business operations,

Personnel includes individuals who are employed permanently, temporary or on a part-time basis, as well as individuals contracted to perform a specific task.

The following types of records could be held by us:

- Records of our personnel include the following:
 - Personal records
 - Records provided by third parties
 - Terms and conditions of employment
 - Evaluation records
 - Correspondence
 - Training courses attended and results.
 - Training schedules and materials

8.2 Clients

Our clients include individuals and legal entities who do business with us.

The following types of records could be held by us, being details:

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- provided as requested from time to time
- provided to third parties acting on our behalf
- provided by third parties
- generated by us as part of our contractual deliverable to a client
- of transactional records
- required to create or amend the record of a client in our systems

8.3 Corporate & Administration

The following types of corporate or administrative records could be held by us:

- Financial
- Annual financial statements
- Operational
- Database and systems
- IT
- Marketing
- Customer Relationships

8.4 Correspondence

The following types of correspondence records could be held by us:

- Products and services
- Statutory
- Policies and procedures

8.5 Third Parties

Records and information relating to the sub-sections 8.1 to 8.4 which are held by third parties.

Records and information held by us which relate to third parties, such as:

- Financial records
- Correspondence
- Contracts
- Records provided by other third parties

These records could relate to one or more of the following:

- Joint ventures

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- Subsidiaries / holding companies
- Service providers
- Contractors

8.6 Records available in terms of other legislation – Section 51(1)(d) of PAIA

We may hold records and information in terms of legislation detailed under section 5 above.

Subject to the provisions of the applicable Act, we may disclose to you such records and information in our possession upon your filing of a request for access in terms of PAIA.

9 Form of request for access – Section 51(1)(e) of PAIA

You are required to:

- Comply with all the procedural requirements contained in PAIA relating to the completion and filing of a request to access a record or information,
- Complete the prescribed form attached as Annexure "A" and submit it together with payment of a request fee and a deposit, if applicable, to our Information Officer,
- Indicate which form of access is required,
- Specify a postal address within the Republic,
- Provide the reasons, or to state that you require the records or information to exercise or protect a right, including what the nature of such right is and why it is required to access the requested document or information – see the provisions of Section 53(2)(d).
- Complete the prescribed form with sufficient details to enable the Information Officer to
 - Identify the record(s) requested, and
 - Consider to grant or refuse the request.

10 Refusal of your request to access documents or information – Section 56

We are entitled to refuse a request for access to a document or information, the grounds for which could be one or more of the following:

- Protecting the privacy of a third party,
- Protecting personal information in terms of POPIA,
- Protection of the commercial interests/information of a third party,
- Information disclosed to us in confidence by a third party
- Protection of confidential information of a third party(s) in terms of contractual arrangements

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- Protection of the safety of individuals
- Protection of property
- Protection of records and information which would be regarded as privileged in a legal proceeding.
- Our trade secrets and strategies
- Financial, commercial, scientific and technical information & records where disclosure thereof
- Is likely to cause us harm
- could place us in a disadvantageous position during negotiations or against our competitors
- All matters, records, systems, computer solutions which we own and which are protected by copyright.
- Frivolous or vexatious requests,
- Requests which would involve an unreasonable amount of effort or resources to extract.

11 Our resolution to grant access or otherwise

Within 30 (thirty) days from the date of receipt of a request to access a document or information, we shall:

- Resolve to either grant or decline your request, and
- Notify you of the reasons for a decision to decline such decision, if applicable.

12 Recourse available to you

The recourses available to you if we have declined to grant your request for access, are

- Internal to our business
 - Lodging an appeal with motivation with the Information Officer within 30 (thirty) days from the date of receipt of our notification that your request for access was declined.
- External
 - Applying to a court of law for relief.

13 Fees payable by a requester

A schedule of fees payable by the requester or a personal requester when submitting a request to access documents or information of our business is available as Annexure "B" hereto.

14 Where you can obtain a copy of the Manual

A copy of this Manual is available on our website.

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Annexure "A"

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> person.

Full names and surname:

Identity number:

D. Particulars of record

- | | |
|-----|--|
| (a) | Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

Sign 

Annexure "A"

E. Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be *notified* of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends *on* the form *in which* access is required and the reasonable time *required* to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images	copy of the images"	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack audio cassette	transcription of soundtrack* written or printed document			
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*	printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)		
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; border: none;">YES</td> <td style="width: 50%; text-align: center; border: none;">NO</td> </tr> </table>	YES	NO
YES	NO				

Sign

Annexure "A"

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at Modderfontein This 01 day of December 2020

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Sign 

Annexure "B"

Fees payable by a requester

The fees that are, by notice to the requester, require him/her to pay for accessing one or more of our records are as follows, excluding VAT:

No	Details	Requester other than a personal requester	Personal requester
1	The fee for a copy of the PAIA manual of the company as contemplated in regulation 5(c) for every photocopy of an A4 size page or part thereof.	1.10	1.10
2	The fees for reproduction referred to in regulation 11(1) are as follows:		
2a	For every photocopy of an A4size page or part thereof	1.10	1.10
2b	For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine-readable form	0.75	0.75
2c	For a copy in a computer-readable form on –		
2ci	stiffy disc	7.50	7.50
2cii	compact disc	70,00	70,00
2di	For a transcription of visual images, for an A4 size page or part thereof	40.00	40.00
2dii	For a copy of visual images	60.00	60.00
2ei	For a transcript of an audio record, for an A4 size page or part thereof	20.00	20.00
2eii	From a copy of an audio record	30.00	30.00
3	The request fee payable by a requester referred to in regulation 11l(2)	50.00	Nil


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Annexure "B"

No	Details	Requester other than a personal requester	Personal requester
	For purposes of section 22(2) of the Act, the following applies:		
	<ul style="list-style-type: none"> • six hours as the hours to be exceeded before a deposit is payable; and 		
	<ul style="list-style-type: none"> • one-third of the access fee is payable as a deposit by the requester. 		
4	The actual postage is payable when a copy of a record must be posted to a requester.		

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