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PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

HEALTH WITH HEART

Prepared on accordance with Section 51 of the Promotion of Access to Information Act,
Number 2 of 2000 (the “Act”)

Prepared by:	Reviewed by:	Approved by:
Keserekha Mohan Health with Heart	Suran Moodley Health with Heart	Melinda Whitfield Health with Heart Trust
Date: April 2024	Date: June 2024	Date:
Signature:		

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THIS MANUAL APPLIES TO THE FOLLOWING COMPANIES

No	Company Name	Registration Number
1.	Health with Heart Trust	IT001578/2018

CHANGE CONTROL TABLE

No.	Revision	Status	Date	Author	Description of the change
1.	01.00	New	April 2024	Health with Heart	N/A
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

10.					
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DISTRIBUTION LIST

No	Company	Name & Surname
1.	Internal Routing	
2.		
3.		
4.		
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1. DEFINITIONS AND ABBREVIATIONS

1.1. **Company:** Refers to Health with Heart.

1.2. **Republic:** Republic of South Africa.

1.3. **Minister:** Minister of Justice and Correctional Services.

1.4. **Regulator:** Information Regulator.

1.5. **POPIA:** Protection of Personal Information Act No.4 of 2012.

1.6. **PAIA:** Promotion of Access to Information Act No.2 of 2000 (As

amended).

1.7. **DIO:** Deputy Information Officer; and

1.8. **IO:** Information Officer.

2. HISTORY TO THE PROMOTION OF ACCESS TO INFORMATION ACT

2.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”) was enacted on 03 February 2000, giving effect to the constitutional rights 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.

2.2. In terms of section 51 of the Act, all private bodies are required to compile an Information Manual (“PAIA Manual”).

2.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or private body.

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3. REFERENCES

Document Number	Document Description
https://popia.co.za/	Protection of Personal Information Act
https://www.gov.za/documents/promotion-access-information-act https://www.justice.gov.za/paia/paia.htm	Promotion of Access to Information act 2 of 2000
eServices: Information Regulator (inforegulator.org.za)	Information Regulator South Africa

4. RECORDS

Document Number	Document Description
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Form 01	Request for guide from the Regulator (Regulation 2)
Form 01	Request for a copy of the guide from an Information Officer (Regulation 3)
Form 02	Request for access to record (Regulation 7)
Form 03	Outcome of request and fees payable (Regulation 8)
Form 04	Internal appeal form (Regulation 9)
Form 05	Complaint Form (Regulation 10)
Form 13	PAIA request for compliance assessment form (Regulation 14(1))

5. PURPOSE OF PAIA MANUAL

5.1. This PAIA Manual is useful for any persons or bodies to:

5.1.1. Check the categories of records held by the Company which may be available, depending on the form of PAIA request.

5.1.2. 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.

5.1.3. Know the description of the records of the body which are available in accordance with any other legislation.

5.1.4. 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.

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5.1.5. Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.

5.1.6. 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.

5.1.7. Know the description of the categories of data subjects and of the information or categories of information relating thereto.

5.1.8. Know the recipients or categories of recipients to whom the personal information may be supplied.

5.1.9. 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

5.1.10. Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

6. CONTACT DETAILS OF THE GROUP CHIEF EXECUTIVE OFFICER (SECTION 51(1)(A))

6.1. Group Chief Executive Officer

Name: Melinda Whitfield

Contact Details: 084 5470 266

Email: drmelinda@healthwithheart.co.za

6.2. Physical Address

8 MP Wellbeing Centre, 1 Fredman Drive, Sandton, Johannesburg, 2196

6.3. Postal Address

8 MP Wellbeing Centre, 1 Fredman Drive, Sandton, Johannesburg, 2196

6.4. Company Website

www.healthwithheart.co.za

7. THE INFORMATION OFFICER (SECTION 51(1)(B))

7.1. The act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The head of a private body fulfils such a function in terms of section 51. Health with Heart has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.

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7.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

7.3. The Information Officer may appoint, where necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render Health with Heart, as accessible as possible for

requesters of its records, and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requesters for information in terms of the Act must be addressed to the Information Officer.

7.4. CONTACT DETAILS OF THE INFORMATION OFFICER

Name: Yolandi Roos

Contact Details: 063 1083 540

Email: yolandi@healthwithheart.co.za

Physical Address

8 MP Wellbeing Centre, 1 Fredman Drive, Sandton, Johannesburg, 2196

Company Website

Website: www.healthwithheart.co.za

8. THE FOLLOWING RECORDS ARE FREELY AVAILABLE ON HEALTH WITH HEART WEBSITE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE ACT.

- 8.1. Records of a public nature, typically those disclosed on the Health with Heart website may be accessed without the need to submit a formal application.
- 8.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

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9. DESCRIPTION OF THE RECORDS OF HEALTH WITH HEART WHICH IS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION.

Where applicable to its operations, Health with Heart creates the obligation to keep certain records in terms of the legislation listed below:

- Basic conditions of Employment No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Consumer Protection Act No. 68 of 2008
- Copyright Act No.98 of 1978
- Electronic Communication and Transaction Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998

- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1955
- National Credit Act No. 34 of 2005

Such records will be made available to only those individuals/entities authorized to request access to such records in terms of the legislation. Any other person must follow the request for access to records procedure as outlined in this Manual.

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10. RECORDS AVAILABLE ONLY ON REQUEST IN TERMS OF THE ACT (SECTION 51(1)(D))

Records held by Health with Heart

SUBJECTS ON WHICH THE BODY HOLDS RECORDS	CATEGORIES OF RECORDS
Human Resources	- HR policies and procedures - Advertised posts. - Employees records - Salary records - Annual Performance Plan - Annual Reports - Strategic Plans - Disciplinary actions - Job profiles - Performance management - Staff benefits and incentives. - Staff list - Training and skills development
Finance	- Audit management - Budgets - Creditors control - Debtors control

	- Funders and donors - Insurance (insurance arrangements, policies, and claims) - Management accounts - Salary administration - Tax management - Utilities management - VAT Records - PAYE records - Fixed asset register - Banking records - UIF Records - Management reports - Invoices - Debtors and creditors information
Procurement	- Agreements - Compliance documentation of service providers - Procurement committee administration - Procurement proposals and tenders - Service provider records
Health and Safety	- Safety Manuals - Safety Files - Occupational Health and Safety records - Records of health and safety incidents in the workplace
Sales and Marketing	- Marketing strategies - Communications strategies - Sales Agreements

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Legal and Compliance	- BBBEE compliance - Internal auditing and risk - Legislation compliance - Regulatory reports - Policies and procedures - Membership with industry bodies - Legal proceedings records - Contracts with Clients - Records generated pertaining to the Client, including transactional records
Administrative Management	- Access control records - Archival Administration Documentation - BEE Statistics
Document Control	- Records, reports, designs, and the like generated by the Company for their clients.
Client Related Records	- Records provided by third party. - Records generated by or within Health with Heart relating its clients, including transactional records.

11. ACCESS TO RECORDS AND REQUEST PROCEDURE

11.1. A requester requiring access to information held by the Company must complete the prescribed form available from Information Regulator website (<https://inforegulator.org.za/paia-forms/>) and submit it to the Information Officer at the address or electronic mail address provided for above, and also make the payment of the prescribed fees.

11.2. Adequate proof of identity is required from the Requestor/Data Subject. Therefore, in addition to the prescribed access form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.

11.3. The prescribed form must be completed with enough particularity to enable the Information Officer to identify:

11.4. The record(s) requested.

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11.5. The identity of the requester.

11.6. Indicate which form of access is required if the request is granted.

11.7. Specify the postal address, fax number or email address.

11.8. The requester must state that which right she/he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.

11.9. The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.

11.10. 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.

11.11. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

11.12. The Company will process the request within 30 (thirty) days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

11.13. Planned transborder flows of personal information.

11.13.1. The Company will only transfer personal information across South African borders to foreign countries, if necessary to comply with legislation, the transfer is necessary for the conclusion or performance of a contract of which data subjects may be parties, protects the legitimate interest of the data subject, or is necessary for the Company to pursue its legitimate interests, or that of a third party to which the data is supplied.

11.13.2. Before transferring personal information across a South African border to a foreign country Ariston will take steps to ensure that recipients of transborder personal information are bound by laws or agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA. If Health with Heart relies on the legitimate interest of a data subject, prior to transferring personal information cross border, it will conduct a legitimate interest assessment.

12. REFUSAL OF ACCESS TO RECORDS

12.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person as stated in section 63.

12.2. Mandatory protection of the commercial information of a third party, if the

record contains:

- 12.2.1. Trade secrets of that third party.

- 12.2.2. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.

- 12.2.3. Information disclosed in confidence by a third party to the Company if the disclosure could put that third party at a disadvantage in negotiations or commercial competition as stated in section 64.

12.3. Mandatory protection of the safety of individuals and the protection of property (section 66)

12.4. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67)

12.5. Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67)

12.6. The commercial activities of The Company, which may include.

- 12.6.1. Trade secrets of the Company

- 12.6.2. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Health with Heart,

- 12.6.3. information which, if disclosed could put Health with Heart at a disadvantage in negotiations or commercial competition.

- 12.6.4. a computer program which is owned by Health with Heart, and which is

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13. ACCESS TO RECORDS HELD BY HEALTH WITH HEART

13.1. Prerequisites for Access by Personal/Other Requester

13.1.1. Records held by Health with Heart may be accessed by requests only once the prerequisite requirements have been met.

13.1.2. A requester is any person making a request for access to a record of Health with Heart. There are two types of requesters:

13.1.3. Personal Requester

13.1.3.1. A personal requester is a requester who is seeking access to a record containing personal information about the requester.

13.1.3.2. Health with Heart will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charge.

13.1.4. Other Requester

13.1.4.1. This requester (other than the personal requester) is entitled to request access to the information on third parties.

13.1.4.2. In considering such a request, Health with Heart will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give consent for the disclosure of the information.

13.2. Health with Heart is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act as stipulated in Chapter 5, Part 3, including the payment of a request and access fee.

14. FEES PROVIDED BY THE ACT

14.1. The Act provides for two types of fees, namely:

14.1.1. 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.

14.1.2. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

14.2. When the request is received by the Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (Section 54(1)).

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14.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

14.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

14.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

14.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

15. REPRODUCTION FEES

15.1. Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereof, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

REPRODUCTION OF INFORMATION FEES	FEES TO BE CHARGED
Information in an A4 size page photocopy or part thereof	R5.00
A printed copy of an A4 size page or part thereof	R5.00
A copy in computer-readable format, for example: Memory stick	R200.00
A transcription of visual images, in an A4 size page or part	R200.00

thereof	
A copy of visual images	R60.00
A transcription of an audio record for an A4 size page or part thereof	R200.00
A copy of an audio record	R200.00

16. REQUEST FEES

16.1. Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 (FIFTY RAND) is payable up-front before the institution will further process the request received.

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17. ACCESS FEES

17.1. An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act, or an exclusion is determined by the Minister in terms of section 54(8).

17.2. The applicable access fees which will be payable are:

ACCESS OF INFORMATION FEES	FEES TO BE CHARGED
Information in an A4 size page photocopy or part thereof	R5.00
A printed copy of an A4 size page or part thereof	R5.00
A copy in computer-readable format, for example: Memory Stick	R200.00
A transcription of visual images, in an A4 size page or part thereof	R200.00
A copy of visual images	R60.00.
A search for a record that must be disclosed. N.B. Per hour or part of an hour reasonably required for such search.	R50,00.
Where a copy of a record needs to be posted, the actual postal fee is payable.	

18. DEPOSITS

18.1. Where the Company receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (Six) hours, a deposit is payable by the requester.

18.2. The amount of the deposit is equal to 1/3 (One Third) of the amount of the applicable access fee.

18.3. Note in terms of Regulation 8, Value Added TAX (VAT) must be added to all fees prescribed in terms of the regulations.

19. COLLECTION FEES

19.1. The initial "request fee" of R50,00 (FIFTY RAND) is to be deposited into the Company's bank account.

19.2. Person to obtain Company Banking details:
Yolandi Roos – Operations Manager

yolandi@healthwithheart.co.za

19.3. A copy of the deposit slip, application form and other correspondence/documents should be forwarded to the Information Officer via email.

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19.4. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

20. DECISION

20.1. Health with Heart will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

20.2. The 30 (thirty) day period within which Health with Heart has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number information, or the request requires a search for information held at another office location and the information cannot reasonably be obtained within the original 30 (thirty) day period.

20.3. The requester will be notified in writing should an extension be sought.

21. REMEDIES AVAILABLE WHEN HEALTH WITH HEART REFUSES A

REQUEST 21.1. Internal Remedies

The Company does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

21.2. External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

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22. AVAILABILITY OF THE MANUAL

22.1. A copy of the Manual is available

22.1.1. On www.healthwithheart.co.za

22.1.2. Head office of the Company for public inspection during normal business

hours. 22.1.3. To any person upon request and upon the payment of a reasonable prescribed fee; and

22.1.4. To the Information Regulator upon request.

23. UPDATING OF THE MANUAL

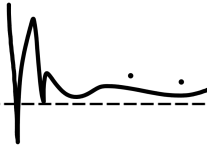
The Information Officer of the Company will update this PAIA Manual at such

intervals as may be deemed necessary.

24. APPROVAL

This PAIA Manual of Health with Heart is approved and signed by the Group Chief Executive Officer.

Health with Heart, on 21 June 2023

A handwritten signature in black ink, appearing to read 'Melinda', is written over a horizontal dashed line.

Dr Melinda Whitfield, CEO