



# **MEDWELL SA (PTY) LTD**

Registration Number: 2018/017293/07

## **MANUAL**

in terms of

**Section 51 of**

**The Promotion to Access to Information Act, 2 of 2000**

**(the “Act”)**

## Preamble

The **Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)** (*hereinafter referred to as the Act*), (Section 51(1) (b), grants a requester 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, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

### South African Human Rights Commission:

Postal Address: Private Bag 2700  
**HOUGHTON**  
2041

Telephone Number: +27 11 877-3600  
Fax Number: +27 11 403-0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### Information Regulator:

Postal Address: P.O. Box 31533  
**BRAAMFONTEIN**  
Johannesburg  
2017

Website: [www.justice.gov.za/inforeg/index.html](http://www.justice.gov.za/inforeg/index.html)  
Complaints Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
General Enquiries Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

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## 1. Objectives of the Manual

Any records and information referenced to in this Manual in addition to that specifically required in terms of Section 51 of the Act, does not create any right or entitlement to receive any such information other than in terms of the Act.

This Manual sets out;

- A list of records held by Medwell SA (Pty) Ltd. (*the “Company”*)
- The requirements as to who may request information and the grounds for refusal.
- The manner and form as to how such a request must be made.

Information will not be provided unless a requester can provide clear and sufficient particulars as to the right/s he/she is seeking to protect as well as an explanation of why the requested information is needed for the purpose of protecting such right/s.

## 2. Introduction

Medwell SA (Pty) Ltd, is registered with the Board of Healthcare Funders and conducts business as a healthcare service provider who provides specialized home healthcare services as well as care facility management services to our corporate clients in the retirement village sector where elderly clients are accommodated. The Company also offers Occupational Health Services.

The Company trades throughout South-Africa with offices in Gauteng and the Western Cape.

### 2.1 Company Details

Company:	Medwell SA (Pty) Ltd.
Registration Number:	2018/017293/07
Practice Number:	8001979
Chief Executive Officer:	Prof. Oppel B.W. Greeff
Information Officer:	Liza Strydom

## 2.2 Contact Details

<b>Gauteng Office</b>	
Registered Physical Address:	244 Jean Avenue, Norma Jean Square, Centurion, Pretoria
Registered Postal Address:	P.O. Box 786, Irene, 0062
Telephone Number:	012 347-8344
Fax Number:	012 347-7361
<b>Cape Town Office</b>	
Physical Address:	2 <sup>nd</sup> Floor, Montrose Place, 2 Bella Rosa Street, Bellville, Cape Town
Postal Address:	
Telephone Number:	021 949-7588
Fax Number:	021 949-7589
Information Officer Telephone Number:	021 949-7588
Information Officer Email:	<a href="mailto:liza.strydom@medwell.co.za">liza.strydom@medwell.co.za</a>
Website:	<a href="http://www.medwell.co.za">www.medwell.co.za</a>

## 3. Records automatically available in terms of Section 52(2)

At this stage, no notice/s has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act. However, certain records and information are freely available on our website.

## 4. Legislation applicable to the Company (Section 51 (1) (d))

Certain information is available, where applicable to our operations, in terms of certain provisions of applicable statutes including but not limited to:

- Basic Conditions of Employment Act No 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993
- Copyright Act No 98 of 1978
- Disaster Management Act, 2002
- Electronic Communications and Transactions Act No 25 of 2002
- Employment Equity Act No 55 of 1998
- Financial Advisory and Intermediary Services Act No 37 of 2002
- Financial Intelligence Centre Act, Act 38 of 2001
- Income Tax Act No 21 of 1994

- Labour Relations Act No 66 of 1995
- National Health Act. Act 61 of 2003
- Nursing Act No. 33 of 2005
- Occupational Health and Safety Act, 85 of 1993
- Older Persons Act, Act 13 of 2006
- Protection of Personal Information Act, No. 4 of 2013
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act No 30 of 1996
- Value Added Tax Act No 89 of 1991

## 5. Schedule of Records held by Company

### 5.1 Records that are available without having to submit a request in terms of PAIA:

- Marketing material made available in the public domain.
- Records of a public nature, such as records disclosed on the Company website.
- Statutory licences, registration certificates, certificates of good standing.
- Employment Equity Plan and Skills Development Plan.

### 5.2 Records available in terms of the Act:

Category	Subject
Company Records	Executive Committee minutes / records, Codes of conduct, Corporate Social Investment records, Directors' minutes / records, Risk Management Reports Shareholder Agreements, BBBEEE records
Intellectual Property	List of trademarks, copyrights and designs held and pending applications, Licenses relating to intellectual property rights
Information relating to legal procedures	Records relating to legal proceedings involving the Company generally, Disclosures relating to legal proceedings involving the Company which are material to the enforcement of rights.
Financial Records	Audited Annual Financial Statements, Financial and accounting records, Banking records, Insurance records, Tax compliance documents and tax returns, Accounting records, Invoices i.r.o. creditors and debtors, Auditors' reports in respect of audits conducted, Proposals/Tender documents
Movable and Immovable Property	Asset register, Agreements for the lease of immovable property, Agreements for the lease or sale of movable property, Credit sale agreements and/or hire purchase agreements, Other agreements for the purchase, ordinary sale, conditional sale or hire of assets, Fleet records
Human Resources	Personal and special personal information of employees and prospective employees, System and user identification names / numbers and certain passwords, Employment contracts, Disciplinary records, Employment equity plan and reports, Internal KPI / appraisal evaluation and disciplinary records and outcomes, Skills development programme, Salaries and wages records, Documents relating to employee benefits, Disciplinary code, Leave records, PAYE records, UIF records, Employee movement records throughout the buildings (use of access tags), Various employment forms and documentation required such as: attendance registers, Covid-19 check-in information, theory assessments and practical assessments and polygraph results)

Category	Subject
Client-related records	General identification and contact information: customer and/or its employees' name, physical and postal address, e-mail addresses, telephone / mobile numbers, Registration / Identification and passport numbers issued by government bodies or agencies, Health records, Service Agreements, Product or system account information, Bank account details and invoices, Credit history and other financial information, Telephone recordings / voice logged agreements, Information to investigate crime, including fraud and money laundering, Information enabling us to provide products and services, Corporate client business certificates and validation, (such as: statutory documents, B-BBEE certificates / affidavits and tax compliance status)
Third Party Vendors / Operators	General identification and contact information such as the third-party vendor and/or its employees' name, physical and postal address, e-mail addresses, telephone / mobile numbers, system and user identification numbers and passwords, and activity records (of Company systems / platforms), Registration numbers issued by government bodies or Agencies, Service Provider / Partner / Supplier / Service Agreements, Product or system account information, Bank account details and invoices, Credit history and other financial information, Information enabling us to provide products and services, Business certificates and validation (for example: statutory, documents, B-BBEE certificates / affidavits and tax compliance status)
Information Technology	Computer software, support and maintenance agreements, Other documentation pertaining to computer systems and computer programmes, Policies and procedures, Register of software and hardware, Warranties
Communication and Marketing	Internal and external correspondence, Contracts and agreements, Marketing strategies, New business development agreements
General Records	Customer, third-party vendor, supplier and document databases

## 6. Request for access to records

### 6.1 Form of Request

As prescribed by PAIA, any request for information must be submitted on Form C, which is available on the Company website and from the Information Regulator's website. For the convenience of requesters, a copy of this form is included in this manual (Annexure 1 – Form C).

Form C must be completed in full and returned to the Information Officer. Include any additional and/or applicable information that may assist the Company to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act, will be returned to the requester with advice on the necessary steps for compliance, including incomplete forms.

Please provide the Company with sufficient details to enable us to identify:

- The record(s) being requested,
- The requester (and if an agent/3rd party is lodging the request, proof of capacity),
- The form of access required,
- The postal address or fax number of the requester,

- If the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof;
- The right/s which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right/s.

The Company will not consider a request unless it is contained in Form C.

## 6.2 Proof of Identity

Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will, in addition to Form C, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

## 6.3 Notification Period

All requests complying with the requirements set out above will be processed and considered expeditiously.

The requester will be given notice of the decision once made, in writing, whatever the decision may be.

The Act requires that such notification be given within 30 (thirty) days of the decision being made. In case of a request being refused, the notification will include the reasons for the refusal.

Please note that the Company may extend the 30-day notice period for another 30 days if it is necessary due to the nature of the request and the amount of time required to gather the requested information. The requester will be given notice of the extension prior to the 30-day period's expiry if;

- the request is for a large number of records;
- the search for the records is to be conducted at premises not situated in the same town or city as the head office or regional office of the company;
- consultation among divisions or departments, as the case may be, of the company is required;
- the requester consents to such an extension in writing; and
- the parties agree in any other manner to such an extension.

Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.



## 7. PRESCRIBED FEES (Section 51(1)(f))

Payment of fees is regulated in terms of section 54 of the Act.

- Request fee: administration fee paid by all requestors except personal requestors, before the request is considered, and is not refundable.
- Access fee: paid by all requestors in the event of a request for access is granted. This fee is intended to re-imburse the Company for the costs involved in searching for a record and preparing it for delivery to the requestor.
- Deposit: If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee.

Every other requester, who is not a personal requester, must pay the required request fee, as prescribed from time to time.

A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

Records may be withheld until the fees have been paid.

### 7.1 Requestor other than Personal Requestor

The Information Officer will give written notice to the requestor other than the personal requestor of the request fee and amount to be paid before the request may be further processed.

If, in the opinion of the Information Officer, the search for a record, or preparation of the record for disclosure, will require more than the prescribed hours, the Information Officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

### 7.2 Personal Requestor

A personal requestor is described in terms of the Act as a requestor seeking access to a record containing information about the requestor.

A personal requestor is not liable to pay a request fee, but is liable for payment of an access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

### 7.3 Fees Schedule

Requesters are required to pay a request fee of R 50.00 when requesting access to records.

Requesters who are requesting access to their personal information are exempt from paying a request fee; however, they are still required to pay the access fee.

Requesters who earn less than R14, 712 per year (if single) and R27,192 per year (if married or in a life partnership), do not have to pay access fees.

The fees for accessing records:

ACTIVITY	FEE
Copy per A4 Page	R1.10
Printing per A4 page	75 cents
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.

## 8. Decision-making Process

The Information Officer will, within 30 days of receipt of a correctly completed request, notify the requestor of the decision as to whether or not the request has been granted.

If the request is:

- **Granted:** the notification will state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.

- Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

## 8.1 Records that cannot be found

The Company will take all reasonable steps to find a record that has been requested. If that record cannot be found or does not exist, the Information Officer will notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record.

This may be deemed to be a refusal of the request. If, however, the record is later found, the requestor will be given access if the request would otherwise have been granted.

If access is granted, access will be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the Information Officer.

In the case of a requestor requesting access to medical records and in the event that the Information Officer, in consultation with the relevant health practitioner who compiled the record, is of the opinion that disclosure could result in serious harm to the requestor's health or well-being, the requestor may be required to prove that he/she has made provision for counselling or other practical arrangements towards limiting, alleviating or avoiding such harm, before access will be granted.

## 8.2 Third Parties

If the request is for a record pertaining to a third party, the Information Officer will take all reasonable steps to inform that third party of the request. This will be done within 21 days of receipt of the request. The manner in which this will be done will be in the fastest means reasonably possible, but if orally, the Information Officer will thereafter give the third party a written confirmation of the notification.

The third party will be advised that he/she/it may, within 21 days thereafter, either make representation to the Company as to why the request should be refused, alternatively grant written consent to disclosure of the record. The third party will be advised of the decision taken by the Information Officer on whether to grant or decline the request and will also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

## 9. Grounds for Refusal of a Request

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

Section 63: prohibits the unreasonable disclosure of the personal information of a natural person third parties to requestors. This includes the personal information of deceased persons, considering the provisions of Section 63(2)

Section 64: a request will be refused if it relates to records containing third party information pertaining to:

- trade secrets;
- financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
- information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.

The information will, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 65: prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

Section 66: the Company will refuse a request if disclosure could reasonably be expected to:

- endanger the life or physical safety of an individual;
- prejudice or impair the security of a building, structure or system, means of transport, or other property;
- methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

Section 67: mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it.

Section 68: pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary.

The Company may refuse access to a record if the record:

- contains trade secrets of the private body;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the private body;
- contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice the private body in commercial competition; or
- consists of a computer program owned by the private body.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 69: prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the Company itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk; and
- the public interest in the disclosure clearly outweighs the harm.

## 12. Recourse

A requestor that is dissatisfied with an Information Officer's advice that the request is declined may, within 180 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request may, within 180 days of notification of the decision, apply to court for relief.

Notwithstanding any provision in the Act, the court may examine the record(s) in question: no record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the Information Officer’s decision
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or
- costs.

**11. AVAILABILITY OF THE MANUAL (Section 51(3))**

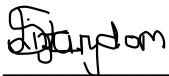
This manual is available for inspection at the offices of the company free of charge upon prior arrangement with the said contact person of the company as per section 2.

A copy is also made available on the website of the company.

Date	Version	Description	Author
14 June 2021	V1.0	Promotion to Access to Information Manual	Information Officer

This information manual has been prepared in accordance with Section 51(1) of the Promotion of Access to Information Act, No.2 of 2000 and is hereby approved:

Signed at Centurion on this 30th day of June 2021.



Liza Strydom  
**Information Officer**



Prof. Oppel Greeff  
**CEO**