

P-PM-001 – PAIA MANUAL

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Manual in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 - 1 July 2021

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PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000, ("PAIA") came into operation on 23 November 2001. Section 51 of the Act requires that we, as a private body, compile a manual to inform the public of the procedure to follow when requesting information from us for the purpose of exercising or protecting rights.

This manual may be amended from time to time and any new versions of the manual will be made public.

INTRODUCTION TO THIS PRIVATE BODY

Sleepnet BreatheNet is a South African registered private company involved in the import, supply and servicing of medical devices related to Sleep, ventilation and neurodiagnostics.

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A copy of this manual is also available on our website: www.sleepnet.co.za

SECTION A – OUR DETAILS

Business name:	Sleepnet Breathnet (Pty) Ltd
Business registration number:	2017 / 150305 / 07
Postal Address:	PO BOX 345 Milnerton 7435
Street Address:	Unit F4 Centurion Business Park, Democracy Way, Montague Gardens Cape Town
Telephone Number	021 551 0325
Fax Number	021 551 6745
Managing Director	Wayne Banfield
Email address	wayne@sleepnet.co.za
Website:	www.sleepnet.co.za
Information Officer	Louise Smit
Information Officer contact details	Louise Smit Admin@sleepnet.co.za
Deputy Information Officer	Robyn Holtzhausen Matthew Gordon

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SECTION B – THE OFFICIAL GUIDE

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. This Guide is available on the SAHRC's website.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information; and
8. Regulations made in terms of the Act.

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit Research and Documentation
Department Private Bag 2700
Houghton 2041

Telephone: (011) 484-8300
Fax: (011) 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

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SECTION C – INFORMATION AVAILABLE IN TERMS OF PAIA AND POPI

1. CATEGORIES

1.1. INFORMATION

We hold the following categories of information in terms of PAIA and the Protection of Personal Information Act 4 of 2013 ("POPI"):

1.1.1. Statutory Company Information

- Certificate of Incorporation.
- Certificate of Change of Name (if any).
- Memorandum of incorporation.
- Certificate to Commence Business.
- Minute Book, waivers, and resolutions of shareholders and directors.
- Securities register.
- Directors' register.
- Copies of all share certificates.
- Annual Financial Statements including:
 - Annual accounts.
 - Directors' reports; and
 - Auditor's report; and
- Books of Account regarding information required by the Companies Act 71 of 2008.

1.1.2. Accounting Records

- Books of Account including journals and ledgers; and
- Statements and receipts.

1.1.3. Statutory Employee Records

- Employees' names and occupations.
- Remuneration paid to each employee.
- Date of birth of each employee.
- Attendance register.
- Employment equity plan.
- Salary register.
- Staff records (after date of employment ceases); and
- IRP 5 certificates of employees.

1.1.4. Other Employee Records

- Employee contracts.
- Staff loan and motor vehicle schemes.
- Maternity leave policy; and
- Human Resources Policy and Disciplinary Code of Conduct

1.1.5. Provident and Retirement Funding Records

- Provident Fund Rules.

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- Provident Fund account records.
- Minutes of Meetings of trustees and members; and
- Actuarial Valuation Reports.

1.1.6.Fixed Property

- Lease's agreements.

1.1.7.Movable Property

- Asset register; and
- Finance and Lease Agreements.

1.1.8.Agreements and Contracts

- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements.
- Agreements with shareholders, officers or directors.
- Agreements with contractors and suppliers.
- Agreements with buyers.
- Purchase or lease agreements.

1.1.9.Taxation

- Copies of all Income Tax Returns and other tax returns and documents.

1.1.10. Insurance

- Insurance policies.
- Claim records

1.1.11. Information Technology

- Hardware.
- Operating systems.
- Telephone exchange equipment.
- Telephone lines leased lines and data lines.
- LAN installations.
- Software packages.
- Disaster recovery procedures.
- Internal systems support and programming /development.
- Agreements.
- Licenses.

1.1.12. Sales and Marketing

- Products.
- Customers / buyers.
- Brochures, newsletters and advertising materials

1.2. DATA SUBJECTS AND INFORMATION

The categories of data subjects and the categories of information that will be held and/or processed for each category includes:

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1.2.1. Employees and potential employees:

- Name and contact details.
- Identity number.
- Employment history and references.
- Banking and financial details.
- Details of payments to third parties (deductions from salary)
- Other information not specified reasonably required to be processed for business operations.

1.2.2. Vendors /suppliers /other business relationships:

- Name and contact details.
- Identity number and/or company information and directors' information (where applicable).
- Banking and financial details.
- Information about products or services.
- Information pertaining to the relationship with us.
- Other information not specified reasonably required to be processed for business operations.

1.3. RECIPIENTS OF INFORMATION

The following persons / entities may be recipients of information:

- Any person / entity who provides a service on our behalf.
- Any firm, organisation or person who provides us with products or services.
- Any person who the company has reason to believe to be a data subject's parent, caregiver or helper where he/she is unable to handle his/her own affairs because of mental incapacity or other similar issues.
- Any payment system which the Company uses.
- Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Company have a duty to share information.
- Third parties to whom payments are made on behalf of employees, including pension funds and medical schemes.
- Financial institutions from whom payments are received on behalf of data subjects.
- Any other operator not specified.
- Employees, contractors and temporary staff; and
- Agents.

2. PURPOSES OF PROCESSING

The purpose of processing data subjects' personal information will include –

2.1. For clients:

- Performing obligations or exercising rights in pursuance of any agreement with clients.
- Verifying clients' details.
- Operating and managing clients' accounts and managing any agreement or correspondence that clients may have with the Company.

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- Corresponding with clients via various methods, including email, SMS, letter, telephone or in any other way about our products and services, unless clients inform us that they prefer not to receive such information or marketing.
- Forming a view of clients as an entity and to identify, develop or improve products, that may be of interest to clients.
- Carrying out market research, business and statistical analysis.
- Carrying out audits.
- Performing other administrative and operational , including the testing of systems.
- Recovering any debt that clients may owe us.
- Complying with our regulatory or other obligations.
- Any other reasonably required purpose relating to the Company's business and relationship.

2.2. For employee purposes:

- Verification of applicant's information during employment application process.
- General matters relating to personnel.
- Administration.
- Provident fund.
- Medical aid.
- Payroll.
- Disciplinary action.
- Training; and
- Any other reasonably required purpose relating to the employment or possible employment relationship.

2.3. For prospective clients:

- Verifying and updating information.
- Direct marketing or communications to prospective clients; and
- Any other reasonably required purpose relating to the processing of a prospective client's personal information.

2.4. For vendors /suppliers /other business relationships:

- Verifying information and performing checks.
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties.
- Payment.
- Complying with our regulatory or other obligations.
- Reporting; and
- Any other reasonably required purpose relating to the Company's business.

3. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

The Company foresees the following reasons for possible trans-border flow of personal information, which it undertakes to do in compliance with POPI:

3.1. Storing information electronically on cloud-based platforms.

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3.2. Making use of third-party service providers to fulfil a business function on behalf of the company.

3.3. Reporting to suppliers

3.4. Use of operating systems implemented; and

3.5. Any transfers of information cross-border as required and mandated by clients.

4. INFORMATION SECURITY MEASURES

The Company has implemented the following general processes and procedures as reasonable measures to protect the integrity and confidentiality of personal information:

- general awareness and training programs.
- retention policy for all information.
- secure hard copy filing (where appropriate).
- secure systems and devices (where appropriate).
- selection of third-party suppliers through a dedicated election process.
- information security policies and processes including access controls and monitoring; and
- process for reporting risks identified or security breaches.

5. PROCESS FOR REQUESTING ACCESS TO INFORMATION

If you wish to request access to any categories of information referred to in clause 1 above, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- our Information Officer (whose contact details are in section A of this manual);
- the SAHRC website (www.sahrc.org.za); or
- the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

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SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our operations, information is also available and/or we also retain records and documents in terms of certain provisions of the following statutes:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act 66 of 1995
- Magistrates Court Act 32 of 1944
- Credit Agreements Act 75 of 1980
- Financial Advisory and Intermediary Services Act, No 37 of 2002
- Financial Intelligence Centre Act, No 38 of 2001
- National Credit Act 34 of 2005
- Occupational Health and Safety Act. 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Tax Administration Act 28 of 2011
- Unemployment Insurance Act 63 of 2001
- Value-added Tax Act 89 of 1991
- Hazardous Substances Control Act
- Medicines and Related Substances Control Act 101 of 1965

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SECTION E – INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase or photocopying. In other words, you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual:

- Newsletters;
- Booklets; and
- Pamphlets / Brochures.

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ANNEXURE A

Form one
REQUEST FOR ACCESS TO RECORD
 [Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	

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Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel.(B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)			
Description of record or relevant part of the record:			
Reference number, if available			
Any further			

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particulars of record	
TYPE OF RECORD (Mark the applicable box with an "X")	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	

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Cloud share/file transfer	
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PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

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Signature of Requester / person on whose behalf request is made.

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name and Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

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Form two
OUTCOME OF REQUEST AND FEES PAYABLE
[Regulation 8]

Note:

If your request is granted the—

- (a) amount of the deposit, (if any), is payable before your request is processed; and
- (b) requested record/portion of the record will only be released once proof of full payment is received.

Please use the reference number hereunder in all future correspondence.

Reference
number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure A.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

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4. Fees payable with regard to your request:

<u>Item</u>	<u>Description</u>	<u>Amount</u>	<u>Number of pages/items</u>	<u>Total:</u>
1.	The request fee payable by every requester	R 140.00		
2.	Photocopy/printed black & white copy of A4-size page	R 2.00 per page or part thereof		
3.	Printed copy of A4-size page	R 2.00 per page or part thereof		
4.	For a copy of computer-readable form on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	R 40.00 R 40.00 R 60.00		
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.		
6.	For a copy of visual images			
7.	Transcription of an audio record, per A4-size page	R 24.00		
8.	For a copy of audio recording on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	R 40.00 R 40.00 R 60.00		
9.	To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. Not to exceed a total cost of	R 145.00 R 435.00		
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.		
11.	Postage, email, or any other electronic transfer	Actual expense, if any.		
	<u>TOTAL:</u>			

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5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference No.: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer

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APPROVALS

Prepared by: Robyn Holtzhausen		Date: 21 November 2023
	Signature	
Approved by: Managing Director	<i>Wayne Banfield</i>	
	Wayne Banfield	

REVISION HISTORY

Revision	Date	Reason for Update	Version
0.0		Original	1.0
1.0	11 December 2023	ChgC #-1161 -Moved document onto company template. -Changed the IO in Section A to Louise. Created Annexure A. Added form one and form two to annexure A	2.0