

# CHEYLEE SMITH PODIATRIST

## PAIA and POPIA Manual

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Prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and compliance with the requirements of the Protection of Personal Information Act, No.4 2013 ("POPIA").

30/6/2021

01/07/2027

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Life Fourways Hospital, Room A7, Cedar Road, Fourways  
0174025  
(011) 875 1910

## 1. INTRODUCTION

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- 1.1. The Promotion of Access to Information Act, No. 2 of 2000, as amended, (the "Act") gives 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.
- 1.2. 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 states that the records containing such information may or must not be released.

1.3. This manual, compiled in accordance with section 51 of the Act, in compliance with the requirements of the POPIA, informs a requestor of information about the procedural and other requirements which such request must meet in terms of the Act. This manual further incorporates the requirements of the POPIA and sets out the framework for our company's compliance with the same.

1.4. Where reference is made to the "processing" of personal information, this will include any activity in which the information is worked with, from the time that the information is collected, up to the time that the information is destroyed, regardless of whether the information is worked with manually, or by automated systems.

## **2. CHEYLEE SMITH PODIATRIST AND CONTACT DETAILS**

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2.1. Cheylee Smith Podiatrist is a sole proprietor. Practice number is 0174025. Our range of services includes the treatment of foot and lower limb pathologies.

2.2. Our contact details are as follows:

Room A7, Fourways Life Hospital, Cedar Road, Fourways

(011)8751910

[info@footlife.co.za](mailto:info@footlife.co.za)

[www. Footlife.co.za](http://www.Footlife.co.za)

## **3. INFORMATION OFFICER**

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3.1. The Information Officer of Cheylee Smith Podiatrist is:

Podiatrist	Cheylee Smith
Physical Address:	Room A7, Fourways Life Hospital Cedar Road, Fourways
Postal Address:	Room A7, Fourways Life Hospital, Cedar Road Fourways 2191
Telephone:	(011) 875 1910
Fax Number:	(011) 875 1912
Email:	<a href="mailto:cheylee.smith@gmail.com">cheylee.smith@gmail.com</a>

3.2. The Deputy Information Officer, whose physical and postal address is the same as that of the Information Officer is:

Podiatrist	Cheylee Smith
Telephone:	[011) 875 1910
Fax Number:	(011) 875 1912
Email:	cheylee.smith@gmail.com

3.3. The above 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. This Information Officer shall oversee the functions and responsibilities as required 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.

3.4. All requests for information must be addressed to the Information Officer.

#### **4. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1)(b))**

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4.1. The Act 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.

4.2. 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.

4.3. 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 to exercise Constitutional Rights. The Guide is available from the SAHRC.

4.4. Enquiries in this regards should be directed to:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	www.sahrc.org.za
Email:	PAIA@sahrc.org.za

## 5. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY) [SECTION 51(1)(c)]

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No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

## 6. SUBJECTS AND CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 51(1) (e))

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6.1. Cheylee Smith holds the following records which may be available only on request in terms of section 51(1)(e):

Records	Subject
Practice Registration Records <i>(some of the records may not be applicable for Sole Props, delete whichever is not applicable and add what is necessary)</i>	Memorandum of Incorporation; Details of practice owner
Financial Records	Accounting Records; Annual Financial Reports; Annual Financial Statements Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Invoices; Paid Cheques; Policies and procedures; Rental Agreements; and Tax Returns

Income Tax Records	<p>PAYE Records;</p> <p>Documents issued to employees for income tax purposes;</p> <p>Records of payments made to SARS on behalf of employees;</p> <p>All other statutory compliances:</p> <ul style="list-style-type: none"> <li>• VAT</li> <li>• Regional Services Levies</li> <li>• Skills Development Levies</li> <li>• UIF</li> <li>• Workmen's Compensation</li> </ul>
Personnel Documents and Records	<p>Address Lists;</p> <p>Disciplinary Code and Records;</p> <p>Employee benefits arrangements rules and records;</p> <p>Employment Contracts;</p> <p>Employment Equity Plan</p> <p>Forms and Applications;</p> <p>Grievance Procedures;</p> <p>Leave Records;</p> <p>Medical Aid Records;</p> <p>Payroll reports/ Wage register;</p> <p>Pension Fund Records;</p> <p>Safety, Health, and Environmental records;</p> <p>Salary Records;</p> <p>SETA records</p> <p>Standard letters and notices</p> <p>Training Manuals;</p> <p>Training Records;</p> <p>Workplace agreements and records.</p>
Procurement Records	<p>Standard Terms and Conditions for the supply of services and products;</p> <p>Contractor, client, and supplier agreements;</p> <p>Lists of suppliers, products, services, and distribution; and</p> <p>Policies and Procedures.</p>
IT Records	<p>Computer / mobile device usage policy documentation;</p> <p>Disaster recovery plans;</p> <p>Hardware asset registers;</p> <p>Information security policies/standards/procedures;</p>

	Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; and System documentation and manuals.

- 6.2. For the purposes of the above clause 6.1., "Personnel" refers to any person who works for, or provides services to, or on behalf of Cheylee Smith Podiatrist and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of Cheylee Smith Podiatrist. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.
- 6.3. Access to the records stipulated in clause 6.1 above may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.
- 6.4. The Practice of Cheylee Smith Podiatrist also holds the following special personal information in terms of section 32 of the POPIA.

Special Personal Information <i>(these records will vary from practice to practice, each practice must therefore include the type of health</i>	List of Patients personal details Patients Medical Aid information Patient Health Records which include but not limited to <ul style="list-style-type: none"> <li>• Hand-written contemporaneous notes;</li> <li>• Notes taken by previous practitioners attending health care or other health care practitioners about our patients or individuals in our care;</li> <li>• Typed patient discharge summary or summaries;</li> <li>• Referral letters to and from other health care practitioners;</li> <li>• Laboratory reports and other laboratory evidence such as histology sections;</li> <li>• Cytology slides and printouts from automated analyzers, X-ray films, and reports, ECG races;</li> <li>• Audiovisual records such as photographs, videos, and</li> </ul>
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<i>records they hold and process)</i>	tape-recordings; <ul style="list-style-type: none"> <li>• Clinical research forms and clinical trial data;</li> <li>• Other forms completed during the health interaction such as insurance forms;</li> <li>• Disability assessments and documentation of injury on duty; and</li> <li>• Death certificates and autopsy reports.</li> </ul>
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6.5. Access to these records stipulated in clause 6.4 above shall be subject to provisions set out in sections 26,27 and 28 of the POPIA.

## **7. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT**

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7.1. The following records are available on payment of the prescribed fees for copies without completing the prescribed form in terms of the Act.

- a. Record of a public nature
- b. Records disclosed on the Cheylee Smith Podiatrist website
- c. Non-confidential reports
- d. Statutory records such as those maintained at the CIPC
- e. Other Non-confidential records such as newsletters, brochures, and similar.

7.2. Whilst these records may be accessed without the need to submit a formal application, however, requests for such records must be directed to the Information Officer whose details are provided above. It should also be noted that an appointment to view such records will still have to be made with the Information Officer.

## **8. DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION (SECTION 51(1)(d))**

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8.1. Cheylee Smith Podiatrist retains records and documents in terms of other legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation

and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- a. Basic Conditions of Employment Act, No 75 of 1997;
- b. Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- c. Companies Act, No 71 of 2008;
- d. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- e. Competition Act, No.71 of 2008;
- f. Constitution of the Republic of South Africa 2008;
- g. Copyright Act, No 98 of 1978;
- h. Electronic Communications Act, No 36 of 2005;
- i. Electronic Communications and Transactions Act, No 25 of 2002;
- j. Employment Equity Act, No 55 of 1998;
- k. Financial Intelligence Centre Act, No 38 of 2001;
- l. Health Professions Act, No 56 of 1974;
- m. Identification Act, No. 68 of 1997;
- n. Income Tax Act, No 58 of 1962;
- o. Intellectual Property Laws Amendment Act, No 38 of 1997;
- p. Labour Relations Act, No 66 of 1995;
- q. Medical Schemes Act, No 131 of 1998;
- r. National Health Act, No 61 of 2003;
- s. Occupational Health & Safety Act, No 85 of 1993;
- t. Pension Funds Act, No 24 of 1956;
- u. Prescription Act, No 68 of 1969;
- v. Prevention of Organised Crime Act, No 121 of 1998;
- w. Promotion of Access to Information Act, No 2 of 2000;
- x. Protection of Personal Information Act, No. 4 of 2013;
- y. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- z. Unemployment Insurance Act, No 30 of 1996
- aa. Value Added Tax Act, No 89 of 1991

*Whilst every care was taken to provide a comprehensive list of applicable legislation, this list may be incomplete. To this end, this list shall be updated accordingly as and when [Practice Name] receives new information to this effect. If a Requester believes that a right of access to a record exists in terms of other legislation not listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.*



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

## **9. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD (SECTION 51(1)(e))**

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- 9.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 9.2. The requester must complete the prescribed form available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za) (J752 /Form C) and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 3 above.
- 9.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
- a. the record or records requested;
  - b. the identity of the requester;
  - c. the form of access required;
  - d. the postal address or fax number of the requester in the Republic; or
  - e. if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof; and
  - f. the right 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.
- 9.4. Cheylee Smith Podiatrist will process the request within 30 (thirty) days unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 9.5. The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 9.6. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is requesting the reasonable satisfaction of the Information Officer (section 53(2)(f)).

- 9.7. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 9.8. The requester must pay the prescribed fee before any further processing can take place.
- 9.9. All information as listed in clause 9 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

## **10. REFUSAL OF ACCESS TO RECORDS**

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- 10.1. Cheylee Smith Podiatrist is entitled to refuse a request for information in terms of the Act.
- 10.2. The main grounds for Cheylee Smith Podiatrist to refuse a request for information relates to the:
- a. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
  - b. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
  - c. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
  - d. mandatory protection of the commercial information of a third party (section 64) if the record contains:
    - i. trade secrets of the third party;

- ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    - iii. information disclosed in confidence by a third party to Cheylee Smith Podiatrist, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - e. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
  - f. mandatory protection of the safety of individuals and the protection of property (section 66);
  - g. mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).
  - h. the commercial activities (section 68) of a private body, such as Cheylee Smith Podiatrist, which may include:
    - i. trade secrets of Cheylee Smith Podiatrist;
    - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Cheylee Smith Podiatrist;
    - iii. the information which, if disclosed could put Cheylee Smith Podiatrist at a disadvantage in negotiations or commercial competition;
    - iv. a computer program which is owned by Cheylee Smith Podiatrist, and which is protected by copyright;
    - v. research information (section 69) of Cheylee Smith Podiatrist or a third party, if its disclosure would disclose the identity of Cheylee Smith Podiatrist, the researcher, or the subject matter of the research and would place the research at a serious disadvantage.
- 10.3. Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 10.4. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 10.5. 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. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the

record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

## **11. PRESCRIBED FEES (SECTION 51 (1) (f))**

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- 11.1. The Act provides for two types of fees, namely:
  - a. A request fee, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
  - b. An access fee, which is paid by all requesters if 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.
- 11.2. When the request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request.
- 11.3. If the search for the record has been made and the preparation of the record for disclosure, including an 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.
- 11.4. 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).
- 11.5. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 11.6. 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 processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

- 11.7. 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.
- 11.8. Where Cheylee Smith Podiatrist has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.
- 11.9. 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 is payable up-front before the institution will further process the request received.
- 11.10. 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 exclusion is determined by the Minister in terms of section 54(8).
- 11.11. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 11.12. The applicable fees which will be payable are as follows:

FEE TYPE	DESCRIPTION	FEE
<b>Request Fee</b>		
	Fees for Requesting Records (Excluding exempt people in terms of the Act)	R50
<b>Access Fee</b>		
	Information in an A-4 size page photocopy or part thereof	R1.10
	A printed copy of an A4-size page or part thereof	R0.75
	A copy in computer-readable format, for example: Compact disc	R70.00

	A transcription of visual images, in an A4-size page or part thereof	R40.00
	A copy of visual images	R60.00
	A transcription of an audio record for an A4-size page or part thereof	R20.00
	A copy of an audio record	R30.00
	Search and preparation of the record for disclosure. Excluding the first hour reasonable required for the search and preparation	R30 per hour
	Postage Fee	Actual Fee Incurred

## 12. DECISION

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- 12.1. Cheylee Smith Podiatrist 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.
- 12.2. The 30 (thirty) day period within which Cheylee Smith Podiatrist 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 amount of information, or the request requires a search for information held at another office of Cheylee Smith Podiatrist and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 12.3. Cheylee Smith Podiatrist will notify the requester in writing should an extension be sought.

## 13. REMEDIES AVAILABLE WHEN CHEYLEE SMITH PODIATRIST REFUSES A REQUEST

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### 13.1. Internal Remedies

Cheylee Smith Podiatrist does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### 13.2. External Remedies

- a. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.
- b. A third party dissatisfied with the 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.

13.3. 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, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

## **14. ACCESS TO RECORDS HELD BY CHEYLEE SMITH PODIATRIST**

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14.1. Records held by Cheylee Smith Podiatrist may be accessed by requests only once the prerequisite requirements for access have been met.

14.2. A requester is any person requesting access to a record of Cheylee Smith Podiatrist. There are two types of requesters:

#### a. Personal Requester

- i. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- ii. Cheylee Smith Podiatrist will voluntarily provide the requested information, or give access to any record concerning the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged (if applicable).

#### b. Other Requester

- i. This requester (other than a personal requester) is entitled to request access to information on third parties.
- ii. In considering such a request, Cheylee Smith Podiatrist will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform the 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 written consent for the disclosure of the Information.

- iii. Cheylee Smith Podiatrist is not obliged to voluntarily grant access to such records. The requester must fulfill the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

## **15. PROCESSING OF PERSONAL INFORMATION BY [PRACTICE NAME]**

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15.1. Chapter 3 of POPIA provides for the minimum Conditions for the Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

15.2. Cheylee Smith Podiatrist needs Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by Cheylee Smith Podiatrist. Cheylee Smith Podiatrist is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- a. is processed lawfully, fairly, and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Cheylee Smith Podiatrist, in the form of privacy or data collection notices. Cheylee Smith Podiatrist must also have a legal basis (for example, consent) to process Personal Information;
- b. is processed only for the purposes for which it was collected;
- c. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- d. is adequate, relevant, and not excessive for the purposes for which it was collected;
- e. is accurate and kept up to date;
- f. will not be kept for longer than necessary;
- g. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used, and communicated by Cheylee Smith Podiatrist, to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;



- h. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
- i. be notified that their Personal Information is being collected by Cheylee Smith Podiatrist. The Data Subject also has the right to be notified in the event of a data breach;
  - ii. know whether Cheylee Smith Podiatrist holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
  - iii. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information;
  - iv. object to Cheylee Smith Podiatrist's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Cheylee Smith Podiatrist's record-keeping requirements);
  - v. object to the processing of Personal Information for purposes of direct marketing through unsolicited electronic communications; and
  - vi. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under the POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her, or its personal information.

### 15.3. Purpose of the Processing of Personal Information by the Company

As outlined above, Personal Information may only be processed for a specific purpose. To this regard Cheylee Smith Podiatrist processes or will process Personal Information as set out below:

Data Subject	Purpose
Patients	<ol style="list-style-type: none"><li>a. For the proper treatment of the patient and care;</li><li>b. For the administration of the patient treatment and the practice.</li><li>c. For the performance of duties in terms of any agreement with patients.</li><li>d. Make, or assist in making, account decisions about patients</li><li>e. Operate and manage patients' accounts and manage any</li></ol>

	<p>application, agreement, or correspondence patients may have with Cheylee Smith Podiatrist</p> <ul style="list-style-type: none"> <li>f. Communicating (including direct marketing) with patients by email, SMS, letter, telephone, or in any other way about Cheylee Smith Podiatrist's products and services, unless patients indicate otherwise</li> <li>g. To form a view of patients as individuals and to identify, develop or improve products, that may be of interest to patients</li> <li>h. Carrying out market research, business, and statistical analysis</li> <li>i. Performing other administrative and operational purposes including the testing of systems</li> <li>j. Recovering any debt owed by the patients to Cheylee Smith Podiatrist</li> <li>k. Complying with the Cheylee Smith Podiatrist's regulatory and other obligations</li> <li>l. Any other reasonably required purpose relating to the Cheylee Smith Podiatrist business</li> </ul>
Prospective patients	<ul style="list-style-type: none"> <li>a. Verifying and updating information</li> <li>b. Direct marketing</li> <li>c. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Cheylee Smith Podiatrist's business.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>a. Verification of applicant employees' information during the recruitment process</li> <li>b. General matters relating to employees: <ul style="list-style-type: none"> <li>i. Pension</li> <li>ii. Medical aid</li> <li>iii. Payroll</li> <li>iv. Disciplinary action</li> <li>v. Training</li> </ul> </li> <li>c. Any other reasonably required purpose relating to the employment or possible employment relationship.</li> </ul>
Vendors /Suppliers	<ul style="list-style-type: none"> <li>a. Verifying information and performing checks;</li> <li>b. Purposes relating to the agreement or business relationship</li> </ul>

/Other businesses	<p>or possible agreement or business relationships between the parties;</p> <p>c. Payment of invoices;</p> <p>d. Complying with the Cheylee Smith Podiatrist's regulatory and other obligations; and</p> <p>e. Any other reasonably required purpose relating to the Cheylee Smith Podiatrist's business.</p>
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#### 15.4. Categories of Data Subjects and Personal Information/Special Personal Information relating thereto

As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. The following table sets out the various categories of Data Subjects that Cheylee Smith Podiatrist Processes Personal Information on and the types of Personal Information relating thereto.

Data Subjects	Type of Personal Information
Consumers and prospective consumers (which may include employees)	<p>a. Special personal information (Health Information)</p> <p>b. Medical Aid information</p> <p>c. Postal and/or street address</p> <p>d. title and name</p> <p>e. contact numbers and/or e-mail address</p> <p>f. ethnic group</p> <p>g. employment history</p> <p>h. age</p> <p>i. gender</p> <p>j. marital status</p> <p>k. nationality</p> <p>l. language</p> <p>m. financial information</p> <p>n. identity or passport number</p> <p>a. browsing habits and click patterns on Cheylee Smith Podiatrist websites.</p>
Employees	<p>a. Name and contact details</p> <p>b. Identity number and identity documents including passports</p>

	<ul style="list-style-type: none"> <li>c. Employment history and references</li> <li>d. Banking and financial details</li> <li>e. Details of payments to third parties (deductions from salary)</li> <li>f. Employment contracts</li> <li>g. Employment equity plans</li> <li>h. Medical aid records</li> <li>i. Pension Fund records</li> <li>j. Remuneration/salary records</li> <li>k. Performance appraisals</li> <li>l. Disciplinary records</li> <li>m. Leave records</li> <li>n. Training records</li> </ul>
Vendors /Suppliers /Other businesses	<ul style="list-style-type: none"> <li>a. Name and contact details</li> <li>b. Identity and/or company information and directors' information</li> <li>c. Banking and financial information</li> <li>d. Information about products or services</li> <li>e. Other information not specified, reasonably required to be processed for business operations</li> </ul>

### 15.5. Recipients of Personal Information

Cheylee Smith Podiatrist may provide a Data Subjects Personal Information to the following:

- a. Medical Funds and/or their administrators which the Data Subject and/or Cheylee Smith Podiatrist is contracted to;
- b. Any firm, organisation, or person that the Cheylee Smith Podiatrist uses to collect payments and recover debts or to provide a service on its behalf;
- c. Any firm, organisation, or person that/who provides the Cheylee Smith Podiatrist with products or services;
- d. Any payment system the Cheylee Smith Podiatrist uses;
- e. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Cheylee Smith Podiatrist has a duty to share information;
- f. Third parties to whom payments are made on behalf of employees;

- g. Financial institutions from whom payments are received on behalf of data subjects;
- h. Any other operator not specified;
- i. Employees, contractors, and temporary staff; and
- j. Agents.

## **15.6. Cross-border flows of Personal Information**

15.6.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- a. recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b. Data Subject consents to the transfer of their Personal Information; or
- c. the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d. the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

15.6.2. In accordance with 15.6.1 above, Personal Information may be transmitted transborder to Cheylee Smith Podiatrist’s suppliers in other countries, and Personal Information may be s servers hosted outside South Africa, which may not have adequate data protection laws. [Practice Name] will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

## **15.7. Description of information security measures to be implemented by Cheylee Smith Podiatrist**

Cheylee Smith Podiatrist undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Cheylee Smith Podiatrist may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

- a. Access Control of Persons- Cheylee Smith Podiatrist shall implement suitable measures to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed. Our business premises where records are kept may be protected by access control, burglar alarms, and armed response where necessary.
- b. Data Media Control- Cheylee Smith Podiatrist undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration, or removal of the data media used by Cheylee Smith Podiatrist and containing personal data of Customers.
- c. Data Memory Control- Cheylee Smith Podiatrist undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration, or deletion of stored data.
- d. User Control- Cheylee Smith Podiatrist shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons through data transmission equipment.
- e. Access Control to Data- Cheylee Smith Podiatrist represents that the persons entitled to use Cheylee Smith Podiatrist's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).
- f. Transmission Control- Cheylee Smith Podiatrist shall be obliged to enable the verification and tracing of the locations/destinations to which the personal information is transferred by utilization of Cheylee Smith Podiatrist's data communication equipment/devices.
- g. Transport Control- Cheylee Smith Podiatrist shall implement suitable measures to prevent Personal Information from being read, copied, altered, or deleted by unauthorized persons during the transmission thereof or the transport of the data media.

- h. Organisation Control- Cheylee Smith Podiatrist shall maintain its internal organisation in a manner that meets the requirements of this Manual.

#### **15.8. Objection to the Processing of Personal Information by a Data Subject**

Section 11 (3) of POPI and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 2 subject to exceptions contained in POPIA.

#### **15.9. Request for correction or deletion of Personal Information**

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 3 to this Manual.

### **16. AVAILABILITY AND UPDATING OF THIS MANUAL**

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- 16.1. This Manual is made available in terms of Regulation Number R.187 of 15 February 2002. Cheylee Smith Podiatrist will update this Manual at such intervals as may be deemed necessary.
- 16.2. This Manual of Cheylee Smith Podiatrist is available to view at its premises and on its website on [www.footlife.co.za](http://www.footlife.co.za)

