

PAIA MANUAL

Gamsu and Gaffoor Optometrists

In terms of Section 51 (as to be amended) of the Promotion of Access to Information Act (Act 2 of 2000) read with Section 17 of the Protection of Personal Information Act (Act 4 of 2013)

1. **ABOUT THE BUSINESS**

Gamsu & Gaffoor Optometrists is an Optometric practice performing eye exams and supplies lenses, frames and contact lenses.

Any person who wishes to request any information from Gamsu & Gaffoor Optometrists with the objective of protecting or exercising a right may contact the Information Officer. The Information Officer has been duly authorised by the member to deal with the matters in connection with requests for information in terms of the Promotion of Access to Information Act 2, of 2000.

The business contact details are as follows:

Physical Address: Shop One
Bridge Way Centre
George Street
Athlone
7764
E-mail: mwshoket@mweb.co.za
Telephone: +27 21 696 9720
Website: <https://www.gamsugaffoor.co.za/>

Information Officer:

Name : Ismail Sadien
E-mail: ismail@avily.co.za
Telephone: +27 21 696 9720

2. **THE ACT**

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.

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

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The contact details of the Commission are:

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

3. SECURITY OF INFORMATION

We are committed to protect the privacy of your information against unauthorised:

- Access
- Processing
- Destruction

Electronic record keeping and data transfer comes with inherent risks. We have the following in place to reduce this risk:

- Password control access to all records and passwords are required to change quarterly
- Use of cloud providers that provide data backups with data centres in territories compliant with GDPR
- Role defined access - an employee will only have access to information required to fulfill their roles as defined by their job specification

4. SECURITY BREACH

We will inform you and the Information Regulator if any person illegally obtained access to your personal information.

5. PRINCIPLES FOR COLLECTING INFORMATION

We apply the the following principles to protect your privacy:

- We only collect the necessary information to provide the services we offer
- Unless you are advised to the contrary, your personal information is used for the sole purposes of providing and billing of the services we offer
- Your personal information is not kept by us if it is no longer needed;
- We do not share your personal information with third parties unless otherwise agreed with you

When information is provided by a 3rd party, the following will apply:

- We accept that the 3rd party is doing this lawfully with the data subject's consent
- The 3rd party must ensure that the data subject understands how we will use and disclose their information

6. GAMSU & GAFFOOR OPTOMETRISTS RECORDS

Records are kept in accordance with the following legislation and are available without a formal request:

- Companies Act, 1973
- Income Tax Act, 1962
- Unemployment Insurance Act 2001
- Value Added Tax Act 1991
- Compensation for Occupational Injuries and Diseases Act 1993
- Labour Relations Act 1995
- Basic Conditions of Employment Act 1997

Records and information we process and store that must be formally requested in terms of PAIA

The following information must be requested as set out in **Section 7** below

- Patient information
 - Name
 - Contact information
 - Medical aid details
 - Optometric medical information
- Staff and Human resources management records
 - HR policies
 - Staff Information
 - Name
 - Contact information
 - Banking details
 - Leave records
- Financial management records
 - Financial accounting and reporting
 - Management Accounts
 - Asset register
 - Supplier Agreements

7. REQUEST FOR INFORMATION PROCEDURE

Access to information listed above must be made by following the procedures outlined below:

Complete prescribed Form 2, which is found as Annexure 1 to this manual. The request must be made in person or by e-mail, fax or post to the Information Officer listed in Section 1 of this manual. If an acknowledgement of receipt for the request is not received within 14 days, please contact the Information Officer to ensure that the request has been received.

The Information Officer is required to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused. The Information Officer may extend the period for taking a decision to 60 days under the following circumstances:

- If the request is for large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities Gamsu & Gaffoor Optometrists,
- Where consultation among the divisions of Gamsu & Gaffoor Optometrists or with another entity is necessary or desirable to decide upon the request and which consultation cannot be reasonably completed within 30 days;
- Where more than one of the circumstances contemplated in paragraphs above exist in respect of the request making compliance with the 30-day period not reasonably possible; or
- If the requester consents in writing to the extension.
- Should the 30-day period be extended, Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

The requester will be notified of the Information Officer's decision in the manner specified in the request form.

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
- Mandatory protection of safety of individuals and protection of property;
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- Mandatory protection of records privileged from production in legal proceedings;
- Defence, security and international relations of the Republic;

- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Mandatory protection of research information of a third party and protection of research information of a public body;
- Operations of public bodies; and
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

If the Information Officer does not give the decision on a request for access to the requester within the 30-day period or within any extended period, then the Information Officer will be regarded as having refused the request.

Should the requester not be satisfied with the decision of the Information Officer, the requester may apply to court for relief. The said application must be made within 180 days after the decision has been made by the Information Officer.

On hearing such an application the court may grant a just and equitable order including:

- Confirming
- Amending or setting aside the decision that is the subject of the application
- Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order
- Granting an interdict, interim or specific relief, a declaratory order or compensation
- Costs

Such an application may be made at the Magistrates Court.

If the request is successful, the requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements, that is:

- The request is properly documented on the prescribed form;
- Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
- The record that is requested is sufficiently described to enable the Information Officer to identify it; and
- Payment of all required fees.

It may be necessary to pay fees for access to records in terms of PAIA.

These fees are for the following:

- Request fee –
If the request is to access a record containing personal information about the requester, he/she will not be required to pay the request fee. Any other request must be accompanied by the required request fee.
- Access fee –
If the request is granted then an access fee must be paid for the reproduction of records and for time in excess of one hour to search and prepare the

records for disclosure. Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required as a deposit.

Please refer to [SAHRC website](#) for a complete breakdown of the fees for public bodies.

