



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information
Act 2 of 2000 (as amended)**

DATE OF COMPILATION: 15/12/2021

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1. List of acronyms and abbreviations

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|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. Purpose of PAIA manual

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Key contact details for access to information of Opticlear

1.1. Chief Information Officer

Name: Jaco Kruger
Tel: (011) 461 6337
Email: jacok@optics.co.za
Fax number: 086 519 1569

1.2. Deputy Information Officer

Name: Charmaine Coetzee
Tel: (011) 461 6337
Email: charmainec@optics.co.za
Fax Number: 086 519 1569

3.3 Access to information general contacts

Email: opticlear@optics.co.za

3.4 Head Office

Postal Address: P.O. Box 257
Bloemfontein
9300

Physical Address: 110 Zastron street
Westdene
Bloemfontein
9301

Telephone: (011) 461 6337

Email: opticlear@optics.co.za

Website: www.opticlear.co.za

4. Guide on how to use PAIA

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide can be obtained-

- upon request to the Information Officer;
- from the website of the Regulator (<https://www.justice.gov.za/infoereg/>);
- A copy of the Guide is also available in English and Afrikaans, for public inspection during normal office hours.

5. Records held by Opticlear

Opticlear keeps records in terms of various regulatory requirements that have an impact on its operations. These records are not automatically available and any request for access thereto will be assessed in accordance with applicable internal policies and legislative requirements.

Companies' Act Records:

- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Records relating to the appointment of:
 - o Directors;
 - o Auditors;
 - o Secretary;
 - o Public Officer;
 - o Any other Officer.
- Share Register and other statutory registers and/or records and/or documents.

Income Tax Act Records:

- Pay-as-you-earn (PAYE) Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to South African Revenue Services on behalf of Employees;
- All or any statutory compliances;
- Value Added Tax;
- Skills Development Levies;
- Unemployment Insurance Fund;
- Workman's Compensation

Labour Relations Records:

- Personnel Documents and Records:
- Employment Contracts;
- Disciplinary Records;
- Salary Records;
- Disciplinary Code and /or procedures;
- Leave Records;
- Training Records;
- Training Manuals;
- Address Lists;

Medical Schemes Act Records:

- Medical Aid Member Records:
- Scheme Agreement;
- Provider Agreement;
- Medical Aid Clinical Records;
- Claim Information;
- Tariff Information;
- ICD10 code details;
- Provider information;
- Contact information;

- HPCSA registration details;
- PCNS registration details;

Internal documents:

- ICT & Operations Policies and procedures
- Service Level Agreements
- Software Licenses
- Disaster recovery and business continuity plan
- Management reports

6. Records available without a formal request

Some records are automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA.

The following information is available from the Opticlear website: www.opticlear.co.za

- About Us
- Provider guides
- Tariffs
- PAIA manual
- Privacy Policy

7. Access to Records and Procedure for Requesting Access to Information

The requester must comply with all the procedural requirements contained in the PAIA Act relating to the request for access to records. The requester must complete the prescribed application form attached hereto as Annexure A marked Form 2 and submit the form as well as payment of the request fee and a deposit, if applicable, to the Deputy Information Officer of Opticlear at the postal or physical, fax or electronic mail address as stated above.

The prescribed form must be completed with sufficient particulars to at least enable the Information Officer to identify:

- Record or records requested;
- Identity of the requester;
- Which form of access is required, if the request is granted; and
- Postal address, telephone number and fax number of the requester.

The requester must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the records are necessary to exercise or protect such a right.

Such request must be processed within 30 (thirty) days after the request has been received. The requester shall be informed whether the access has been granted or denied within 30 (thirty) days of receipt of the request and give notice with reasons to that effect. The 30 (thirty) day period within which the entity 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 vast amount of information, or the information cannot reasonably be obtained within the original 30 (thirty) day period. The Deputy Information Officer will notify the requester in writing should an extension be sought.

If the request for access is granted, the Deputy Information Officer of Opticlear must advise the requestor:

- the access fee (if any) to be paid upon access;

- the form in which access will be given; and
- that the requester may lodge a complaint with the Regulator against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.

If the request for access is refused, the Deputy Information Officer of the entity must:

- state adequate reasons for the refusal, including the provisions of this Act relied on;
- exclude, from any such reasons, any reference to the content of the record; and
- state that the requester may lodge a complaint to the Regulator against the refusal of the request, and the procedure (including the period) for lodging the application.

In terms of the Act, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of Opticlear but cannot be found, and if it does not exist, then the Deputy Information Officer must notify by way of affidavit or affirmation, the requester that it is not possible to give access to that record. If after notice is given, the record in question is found, the requester must be given access thereto unless the ground for the refusal of access exists.

If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the PAIA Act relied upon and provide the procedure to be followed should the requester wish appeal the decision.

8. Fees Payable to Access Records held

The Act provides for two types of fees:

- a request fee, which will be a standard fee,
- and an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

When a request is received by the Information Officer, the Information Officer or his/her Deputy shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer or her Deputy shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.

The Information Officer or his/her Deputy shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

9. Grounds for refusal

The Information Officer or Deputy may refuse a request for information for the following reasons:

- Where the disclosure would amount to an unreasonable disclosure of personal information;
- Where the disclosure would amount to disclosure of the trade secrets of a third party;
- Where the disclosure would lead to a revelation of financial, commercial, scientific or technical information of a third party;
- Where such information was supplied in confidence by a third party;
- Where the disclosure would breach the duty of confidence owed to a third party;
- Where the disclosure would endanger the life or physical safety of an individual;
- If the disclosure is prohibited under the Criminal Procedure Act;

- If the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party; and
- Where the disclosure would compromise the investigation where proceedings are pending.

10. Grounds of discretionary refusal

The following grounds of discretionary refusal will apply

- Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future;
- Where the record contains information around crime prevention, detection and prosecution of alleged offenders;
- Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty;
- Where the request is frivolous or vexatious.

11. Remedies Available If Request for Information Is Refused

Internal Remedies

Opticlear does not have an internal appeal procedure. As such, the decision made by the Information Officer or Deputy pertaining to a request is final, and requestors shall have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer or deputy.

12. Processing of Personal Information

12.1 Purpose of Processing Personal Information

Opticlear uses the Personal Information under its care in the following ways:

- Administration of the network for Registered Practitioners for medical schemes;
- Processing of optometry claims on behalf of medical schemes;
- Staff administration;
- Keeping of accounts and records;
- Complying with tax laws and other applicable laws; and
- Any other relevant administrative purposes in terms of any other law, code or Standard

12.2 Categories of Data Subjects and their Personal Information

Categories of Data Subjects	Personal Information that may be processed
Clients/Service Providers	Name of legal entity, contact details, physical address, vat number and bank details
Employees	Name, address, gender, bank details, ID number, contact details
Practitioners on the optometry network	Name of practitioner; Name of Practice; Physical and Postal address and contact details; Practice Number

Categories of Data Subjects	Personal Information that may be processed
Members of medical schemes	Name of main member, ID number (where applicable), dependants names and date of birth, medical aid number, contact details and address (where applicable)

12.3 Categories of Recipients for Processing the Personal Information

Personal information is only disclosed if it is necessary to fulfil our legislative mandate, for business purposes, where there is a legal obligation, there is a public duty to disclose the information, or the legitimate interests of the data subject require disclosure or consent was provided by data subject to disclose the information.

Opticlear may supply the Personal Information to service providers who render the following services:

- Storing of data;

12.4 Planned transborder flows of personal information

No personal information is transferred out of the Republic of South-Africa.

12.5 General description of Information Security Measures

Opticlear employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and updated protocols
- Secure access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Non-Disclosure Agreements

13. Availability of the manual

A copy of the Manual is available

- on www.opticlear.co.za;
- head office of Opticlear for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

14. Updating of the manual

The Information Officer of Opticlear will review the manual on a regular basis and update this manual when applicable.

15. Annexure A: Request for Access to Record form

FORM 2

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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
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 <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	<input type="checkbox"/>
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Transcription of soundtrack <i>(written or printed document)</i>	<input type="checkbox"/>
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record saved on cloud storage server	<input type="checkbox"/>

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	<input type="checkbox"/>
Postal services to postal address	<input type="checkbox"/>
Postal services to street address	<input type="checkbox"/>
Courier service to street address	<input type="checkbox"/>
Facsimile of information in written or printed format <i>(including transcriptions)</i>	<input type="checkbox"/>
E-mail of information <i>(including soundtracks if possible)</i>	<input type="checkbox"/>
Cloud share/file transfer	<input type="checkbox"/>
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	<input type="checkbox"/>

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>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.</i>	
Indicate which right is to be exercised or protected	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

16. Annexure B: Fees Payable

The fees prescribed are in accordance with Annexure B to the regulations relating to the Promotion to Access to Information, 2021 (No. R.757)

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requester) (iv) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to the requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requester) (vi) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to the requester 	R40.00 R40.00 R60.00
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. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."