

PAIA AND POPIA MANUAL

of

DUNVEGAN DENTAL INC

("the Practice")

Registration number K2014/266823/21

and its subsidiaries

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000, as amended ("PAIA")

and

the Protection of Personal Information Act No. 4 of 2013, as amended ("POPIA")



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1 Introduction

The Promotion of Access to Information Act, 2000 ("PAIA" / "the Act") gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides that everyone has the right of access to information.

Section 51 of the Act requires that all private bodies, as Dunvegan Dental Inc is defined, prepare and make available a manual to the public, setting out the procedure to be followed by a member of the public who wishes to request access to the Practice's records.

2 Company Information and Contact Details of the Information Officer

The details of the Practice are as follows:

Full name	Dunvegan Dental Inc
Registration number	K2014/266823/21
Physical address	24 1st Avenue, Dunvegan, Edenvale, 1609
Postal address	24 1st Avenue, Dunvegan, Edenvale, 1609
Email address	info@dunvegandental.co.za
Telephone number	011 383 2408

The responsibility for administration of, and compliance with, PAIA and POPIA has been delegated to the Information Officer. Requests in terms of PAIA and/or POPIA should be directed to the Information Officer as follows:

Information Officer	Jason Fergusson
Physical address	24 1st Avenue, Dunvegan, Edenvale, 1609
Postal address	24 1st Avenue, Dunvegan, Edenvale, 1609
Email address	info@dunvegandental.co.za
Telephone number	011 383 2408

3 South African Human Rights Guide

The Information Regulator has, in terms of section 10 of PAIA, compiled and updated a Guide on how to use PAIA and POPIA ("the Guide"), in an easily understandable form, to assist any person who wishes to exercise a right under either Act. The Guide describes, among other things, the objects of PAIA and POPIA, the contact details of Information Officers, the manner and form in which requests for access to records must be made, the assistance available from the Information Officer and the Regulator, and the remedies available in law — including internal appeals, complaints to the Regulator, and applications to court.

The Guide is available in all official South African languages, including braille, and may be obtained free of charge in any of the following ways:

- by contacting the Information Officer of the Practice at the details set out in clause 2 above;
- from the website of the Information Regulator; or
- by inspection at the offices of the Information Regulator during normal business hours.

The Information Regulator may be contacted at:

Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal address	P O Box 31533, Braamfontein, Johannesburg, 2017
Telephone number	+27 (0) 10 023 5200
Email address	infoereg@justice.gov.za / enquiries@infoeregulator.org.za
Website	https://infoeregulator.org.za

4 Applicable Legislation

The following is a non-exhaustive list of legislation in terms of which records are held by Dunvegan Dental Inc. It should be noted that not all records held in terms of this legislation will necessarily be accessible to requesters under the Act:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Dental Technicians Act 19 of 1979
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Health Professions Act 56 of 1974
- Hazardous Substances Act 15 of 1973
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Medical Schemes Act 131 of 1998
- Medicines and Related Substances Act 101 of 1965
- National Health Act 61 of 2003
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000

- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Value-Added Tax Act 89 of 1991

5 Access to Records held by the Practice

5.1 Automatic Disclosure of Records

Certain records are automatically available for inspection, without the need for a formal request, from the Practice's website (<https://dunvegandental.co.za>), including:

- marketing materials; and
- other literature intended for public viewing.

5.2 Categories of Records Held by the Practice

The table below sets out, per applicable law, broad categories of records held by the Practice. Records are only made available on receipt and consideration of a request in the prescribed form under PAIA and POPIA, save where automatic disclosure applies as set out in 5.1 above.

Applicable Legislation	Category of Records
Health Professions Act / National Health Act / Dental Technicians Act	Patient clinical and treatment records Radiographic records, including intra-oral, panoramic (OPG), cephalometric and CBCT (Cone Beam CT) X-rays Practitioner registration and licensing records Consent forms Referral letters and reports
Medicines and Related Substances Act	Medicine and scheduled substance registers Storage and dispensing records
Basic Conditions of Employment Act	Employee names and occupations Hours worked and remuneration records
Companies Act	Incorporation documents Minutes and resolutions Register of directors and shareholders Annual financial statements
Income Tax Act / VAT Act	Ledgers, invoices and financial statements Tax records
Occupational Health and Safety Act	Incident registers Compliance certificates
Protection of Personal Information Act	Data processing records Consent and data breach records
Employment Equity / Skills Development legislation	Employment equity plans Training records
Protection of Personal Information Act / Occupational Health and Safety Act	CCTV surveillance footage (interior and exterior cameras) Access control and security logs

This list is not exhaustive and further categories of records held by the Practice include: administration records, agreement and contractual records, human resource records, information technology records, insurance records, intellectual property records, legal records, marketing records, movable and immovable property records, statutory compliance records, and third-party records.

6 Request Process

Records held by Dunvegan Dental Inc may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Practice.

Requests must be made using the prescribed Form 2: Request for Access to Record, available on the website of the Information Regulator or the Department of Justice and Constitutional Development. The request must be submitted to the Information Officer at the address or email address set out in clause 2 above.

In lodging the request, the requester must:

- provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
- indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic;
- indicate whether, in addition to a written response, the requester wishes to be informed in any other manner, and state the necessary particulars;
- identify the right the requester is seeking to exercise or protect, and explain why the requested record is required for that purpose.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which they are acting, to the satisfaction of the Information Officer. If an individual is unable to complete the prescribed form due to illiteracy or disability, they may make the request orally to the Information Officer.

Where a request concerns a record containing information about a third party, the Practice is obliged to attempt to contact that third party to inform them of the request, so that they may consent to or object to the disclosure. The Information Officer will consider any reasons furnished by the third party in deciding whether to grant access.

The Information Officer will, as soon as reasonably possible after receipt of the request, decide whether to grant it.

7 Availability of the Manual

This manual will be updated as required, or when relevant legislation changes. It is available for inspection at <https://dunvegandental.co.za> and at the Practice's offices. Copies of the manual may be made available on request, subject to the prescribed fees.

8 Prescribed Fees

A requester must pay the access fee prescribed by the Minister of Justice and Constitutional Development, to enable the Practice to recover the cost of processing a request and providing access to records under PAIA. The prescribed fees are available at <https://www.justice.gov.za/paia/PAIA-brochure.pdf>. Payment details can be obtained from the Information Officer. A request will not be processed until the prescribed fee has been paid, and where access has been granted, the record will not be disclosed until the necessary fees have been paid in full.

9 Grounds for Refusal to Access Records

Access to certain records may be, or must be, refused on the grounds set out in the Act. Mandatory grounds for refusal include, but are not limited to:

- privileged information;
- information protecting the privacy of individuals;
- commercial or confidential information of third parties;
- information which, if disclosed, could endanger the safety of an individual or impair the protection of property;
- information privileged from production in legal proceedings;
- commercial information of the Practice; and
- research information.

Where the Practice cannot locate a requested record despite a reasonable and diligent search, and believes the record is lost or otherwise unattainable, the requester will be notified accordingly by the Information Officer, together with the measures taken to locate the record.

Requests that are clearly frivolous, vexatious, or that would involve an unreasonable diversion of the Practice's resources will be refused.

10 Protection of Personal Information Act

The purpose of POPIA is to promote the protection of the personal information of individuals and businesses, giving effect to the constitutional right to privacy.

Dunvegan Dental Inc processes personal information relating to both individuals and juristic persons in order to carry out its business and clinical functions and to meet its legal obligations. The Practice determines the manner and purpose of this processing and is therefore a responsible party for purposes of POPIA. The Practice will ensure that personal information is:

- processed lawfully, fairly and transparently;
- processed only for the purpose for which it was collected;
- not processed for a secondary purpose unless compatible with the original purpose;
- accurate; and
- not excessive for the purpose for which it was collected.

10.1 Purpose

Dunvegan Dental Inc will only process personal information that is, among other things:

- necessary to provide dental treatment and related healthcare services;
- necessary for the conclusion and management of patient, supplier and employment contracts;
- necessary for billing, medical aid claims, and related financial administration;
- necessary for legal and regulatory compliance; and
- necessary for recruitment and general employee management.

Dunvegan Dental Inc also operates CCTV cameras inside and outside the Practice for the safety and security of patients, staff and visitors, and to protect the Practice's property. Notices are displayed at the entrances to the Practice to inform patients, staff and visitors that CCTV recording is in operation.

10.2 Categories of Data Subjects

The table below sets out the categories of data subjects and the personal information that may be processed in respect of each:

Category of Data Subject	Personal Information Processed
Patients	Name, gender, physical and postal address, contact numbers, date of birth, biometric information, emergency contact details, copies of identification documents or passports, medical scheme, insurance and other benefit information, employer details and contact information, appointment and treatment scheduling records, height, weight and other health information such as allergies, special needs and preferences, diagnoses and treatment records, clinical records and results from third-party providers (including X-rays, scans and blood tests), referral letters and second opinions (including medical photographs, diagrams and clinical videos, where applicable), banking details, CCTV footage captured on the Practice's premises, and the name, surname, email address and telephone number of referring practitioners
Visitors and other persons on the premises	CCTV footage of individuals entering, exiting or present on the Practice's premises, captured by interior and exterior cameras
Employees	Name, identity number, contact details, qualifications, employment history, banking and tax details, health information relevant to employment, disciplinary and performance records
Contractors, service providers and suppliers	Name, registration and VAT numbers, contact and banking details
Directors and shareholders	Name, identity number, contact details, shareholding and banking information

This list is non-exhaustive.

10.3 Cross Border Transfers

Dunvegan Dental Inc does not generally transfer personal information across South Africa's borders. In the unlikely event that a cross-border transfer becomes necessary or unavoidable, the Practice will ensure that the recipient country's data protection laws offer a level of protection similar to South African law, and that the recipient commits to the same standard of protection undertaken by the Practice.

10.4 Recipients of Personal Information

The table below sets out categories of recipients to whom personal information may be supplied:

Category of Personal Information	Recipient(s)
Treatment and billing information	Medical aid schemes and administrators
Clinical information (where a patient is referred)	Referring or receiving dental/medical practitioners and specialists
Financial and credit information	Auditors and, where applicable, credit bureaus
Information required by law	Regulatory bodies (e.g. the Health Professions Council of South Africa) and government authorities
CCTV footage	South African Police Service and other law enforcement or regulatory authorities, where required for the investigation of an incident or crime

This list is non-exhaustive.

10.5 Information Security Measures

Dunvegan Dental Inc has implemented reasonable technical and organisational measures to ensure the safety of personal information in its possession, including:

- physical security measures;
- access control measures;
- encryption measures;
- cyber security measures;
- anti-virus measures;
- security firewalls;
- password control;
- employee training and awareness; and
- internal policies and procedures.