



South African Association of Community Pharmacists
A sector of the



Pharmaceutical Society of South Africa

PAIA and POPI Manual

This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013

This manual applies to the South African Association of Community Pharmacists

Document management

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Introduction

The Promotion of Access to Information Act, 2000 gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements that a request must meet as prescribed by the Act.

Purpose of the manual

The purpose of this manual in terms of PAIA, is to assist people wishing to access information in terms of the PAIA from the South African Association of Community Pharmacists (SAACP).

The purpose of this manual in terms of POPIA, is to detail the purpose for which personal information may be processed, a description of the categories of data subjects for whom the SAACP processes personal information as well as the categories of personal information relating to such data subjects and the recipients to whom personal information may be supplied.

Nature of business

The South African Association of Community Pharmacists is a voluntary body, a sector of the Pharmaceutical Society of South African, to which pharmacists and pharmacy support personnel can belong to with the objects of:

- to promote the interests of Community Pharmacists who are members of the PSSA and focus on building a united profession to better fulfill our professional role in the community pharmacy practice space.
- to guide and support our members to ensure sustainable, high-quality pharmaceutical service in the interest of all who depend on our knowledge and services.
- To promote the professional, educational, business, and economic interests of its members, with specific emphasis on pharmacists active in the category of community pharmacy as defined in the Pharmacy Act, Act 53/1974, as amended.

Contact details

Name of body: SAACP

Head of body: President

Physical address: 435 Flinders Lane, Lynnwood, Pretoria, Gauteng South Africa

Postal address: PO Box 75769, Lynnwood Ridge, 0040

Telephone number: +27 65 649 3760

Email address: nationaloffice@saacp.org.za

Details of Information Officer

Information Officer: Mrs Sonja Fourie

Physical address: 435 Flinders Lane, Lynnwood, Pretoria, Gauteng South Africa

Postal address: PO Box 75769, Lynnwood Ridge, 0040

Telephone number: +27 82 804 3539

Email address: nationaloffice@saacp.org.za

Guide of the South African Human Rights Commission

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.

A guide to the Act (as contemplated under Section 10 of the Act) is available from the South African Human Rights Commission or on the website of the Information Regulator (<https://inforegulator.org.za>) . The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its content should be directed to:

South African Human Rights Commission
PAIA Unit (the Research and Documentation Department)
Private Bag X2700
Houghton, 2041
Telephone: +27 11 877 3600
Fax: +27 11 484 7146
Website: www.sahrc.org.za

Records automatically available

The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of—

- a) the categories of records of the private body that are automatically available without a person having to request access in terms of this Act, including such categories available –
 - for inspection in terms of legislation other than this Act;
 - for purchase or copying from the private body; and
 - from the private body free of charge; and
- b) how to obtain access to such records.

Records available in terms of other legislation [Section 51(1)(d)]

Records are kept in accordance with such legislation as applicable to the SAACP, which includes but is not limited to

- ◆ Basic Conditions of Employment Act 75 of 1997
- ◆ Company's Act 71 of 2008
- ◆ Compensation for Occupational Injuries and Diseases Act 130 of 1993
- ◆ Employment Equity Act 55 of 1998
- ◆ Income Tax Act 58 of 1962
- ◆ Labour Relations Act 66 of 1995
- ◆ Occupational Health and Safety Act 85 of 1993
- ◆ Promotion of Access to Information Act 2 of 2000
- ◆ Unemployment Insurance Act 63 of 2001
- ◆ Unemployment Insurance Contributions Act 4 of 2002
- ◆ Value Added Tax Act 89 of 1991

While the SAACP has used its best endeavours to supply a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to the SAACP's attention, existing or new legislation allows a requester access on a basis other than that set out in the PAIA Act, the list shall be updated accordingly.

Subjects and categories of records held by the SAACP in terms of Section 51(1) (e)

Administration and management

- ◆ Administration and operational records
- ◆ Correspondence with third parties
- ◆ Minutes of meetings
- ◆ Statutory records

Finance

- ◆ Accounting records
- ◆ Annual financial statements
- ◆ Creditors and debtors records
- ◆ Operational expenditure records
- ◆ Salary records
- ◆ Taxes and levies records

Human Resources

- ◆ Personnel records
- ◆ Employment records
- ◆ Leave records
- ◆ Staff policies and procedures

Information technology

- ◆ Disaster recovery plan
- ◆ Infrastructure and systems record

*Note that no information will be provided, which can be regarded as a breach of the Protection of Personal Information Act (POPI Act).

Processing of personal information in terms of the POPI Act

The SAACP requires personal information in order to carry out its business and organisational functions with specific reference to promotion, marketing and communication to its members. The manner in which this information is processed and the purpose for which it is processed is determined by the SAACP.

What information is collected

Personal information refers to any information relating to any identifiable natural or juristic person, examples of which include, but are not limited to names, race, gender, email, contact numbers, and employment.

What is Personal Information for?

Personal information is only used as appropriate in the normal course of business for:

- a. identification
- b. managing membership
- c. member value-based promotion, marketing and communications
- d. complying with the laws of the Republic of South Africa

Processing means any operation, automated or otherwise, concerning personal information, and includes collection, receipt, recording, organising, collating, storing, updating, retrieval, alteration, consultation, use, dissemination by means of transmission, distribution or making available in any other form, or merging, linking as well as any restriction, degradation, erasure or destruction of information.

Members personal information shared will not be shared with 3rd parties by the SAACP without written consent from the member.

Only relevant information is shared with specified third parties to ensure member requests are met.

Security measures

The SAACP stores all personal information collected from members on secure servers accessed only by authorised persons for the purposes and uses mentioned above. Such servers are regularly maintained and checked to maintain data confidentiality and integrity and to prevent unauthorised access, theft and disruption of services.

Third party recipients of personal information are also legally required to take reasonable precautions, security measures and protocols to safeguard personal information.

Country of operation

South Africa

Request procedure

The Act provides that a requester is only entitled to access a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.

A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form, as well as payment of a request fee, must be sent to the SAACP at the postal, physical or email address as provided in this manual and marked for the attention of the information officer.

The request form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested
- The identity of the requester
- What form of access is required
- The postal or email address of the requester

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

The SAACP will process a request within 30 days.

The requester shall be informed in writing whether access has been granted or denied. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

Appeal

The SAACP does not have an internal appeal procedure and as such the decision made by the Deputy and/or Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied.

Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:

1. A fee will be required before further processing of the request in terms of S54 of the Act.
2. A requester fee as prescribed should be paid, this amount will be refunded should the request for access be refused.
3. A portion of the access fee (not more than one third) may be required before the request is considered.
4. The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act.
5. Other fees as prescribed in the Act will be charged for records and copies.
6. A record may be withheld until the requester has paid the applicable fees.

Availability of the Manual

This manual is available for inspection by the general public upon request during opening hours and there is no charge for viewing the manual at our offices. Copies of the manual may be made available subject to the prescribed fees.

Annexure 1
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

Full names and surname: _____

Identity number: _____

D. Particulars of record

- | |
|---|
| <p>(a) <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.</i></p> <p>(b) <i>If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</i></p> |
|---|

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
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Postage is payable.

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected: _____

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

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF REQUESTER / PERSON
ON WHO'S BEHALF REQUEST IS MADE