



PAIA/POPIA MANUAL

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

and

**Policies and procedures pertaining to the Protection
of Personal Information act, 4 of 2013.**

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1. Definitions and Interpretation

In this document,

- 1.1. **"Client"** means any person of whom records are being kept in the Practice;
- 1.2. **"Guide"** means the Revised Guide on how to use PAIA as made available by the Information Regulator and updated from time to time;
- 1.3. **"Head of Practice"** means Marina Genis, a clinical psychologist duly registered with the HPCSA under number PS0106712 and practising under Board of health care funders number 0362115;
- 1.4. **"HPA"** means the Health Professions Act, 56 of 1974;
- 1.5. **"HPCSA"** means the Health Professions Council of South Africa;
- 1.6. **"Information Officer"** means, for purposes of POPIA, the Head of Practice who is duly registered as such in terms of Section 55(2) of POPIA;
- 1.7. **"Information Regulator"** means the information regulator brought in existence by Section 39 of POPIA;
- 1.8. **"Minister"** means the Minister of Justice and Correctional Services;
- 1.9. **"PAIA"** means the Promotion of Access to Information Act, 2 of 2000;
- 1.10. **"Personal Information"** carries the same meaning as ascribed to this phrase in Section 1 of POPIA;
- 1.11. **"POPIA"** means the Protection of Personal Information Act, 4 of 2013;

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- 1.12. **"Practice"** means the professional psychology practice conducted by the Head of Practice as a sole proprietorship and the private body (for purposes of PAIA) to which this manual relates;
- 1.13. **"Practice Contact Details"** means all or any of the following:
- 1.13.1. Postal Address: PO Box 29,
Lonehill
2062;
- 1.13.2. Street Address: Tabula Rasa Wellness
Pine Road
Broadacres
Johannesburg
2191;
- 1.13.3. Phone number: 0824522184;
- 1.13.4. e- mail address: admin@marinagenis.co.za;
- 1.14. **"Practice Website"** means the website of the Practice to be found at <https://www.marinagenis.co.za> and hosted by the [Website Host](#)
- 1.15. **"Regulations"** mean Regulation no R.757 published in Government Gazette No. 45057, dated 27 August 2021, in accordance with Section 92 of PAIA and as amended from time to time; and
- 1.16. **"Website Host"** means Three6ixty Marketing & Branding, whose web address is <https://www.three6ixty.co.za>.
- 1.17. In this manual:
- 1.17.1. capitalised words and phrases (apart from the normal spelling rules and unless the context within which such words and phrases clearly indicate

- the contrary) carry the meaning ascribed to them in the definitions section of this clause 1;
- 1.17.2. the clause headings are for convenience and shall be disregarded in construing this manual;
- 1.17.3. unless the context indicates a contrary intention, the singular shall include plural and *vice versa*;
- 1.17.4. any reference to a statute, regulation or other legislation shall be a reference to that statute, regulation, or other legislation as at the signature date of this manual; and
- 1.17.5. where any number of days is to be calculated from a day, such number shall be calculated as excluding such day and commencing on the next business day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

2. How to contact the Practice

The Practice should be contacted through its Information Officer at any of the Contact Details.

3. Purpose of this PAIA Manual

This PAIA Manual is useful for the public to-

- 3.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2. 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;
- 3.3. know the description of the records of the body which are available in accordance with any other legislation;
- 3.4. 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;

- 3.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6. 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;
- 3.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9. 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
- 3.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. Availability of this PAIA Manual

- 4.1. A copy of this PAIA Manual is available-
 - 4.1.1. from the Practice Website;
 - 4.1.2. from the Practice at its street address for public inspection during normal business hours; and
 - 4.1.3. to any person upon request and upon the payment of a reasonable prescribed fee.
- 4.2. A copy of this PAIA Manual is also available to the Information Regulator upon request.
- 4.3. 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.

5. Guide on how to use PAIA and how to obtain access to the Guide

- 5.1. The Regulator has made available the Guide on how to use PAIA, 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.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The Guide contains the description of-
 - 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and

- 5.3.4. the assistance available from the information officer of a public body in terms of PAIA and POPIA;
- 5.3.5. the assistance available from the Information Regulator in terms of PAIA and POPIA;
- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Information Regulator; and
 - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Information Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.

- 5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92¹¹.
- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the Practice (available in English and Afrikaans) as well as at the office of the Information Regulator, during normal working hours.
- 5.5. The Guide can also be obtained-
- 5.5.1. upon request to the Information Officer; and
- 5.5.2. from the website of the Information Regulator at [\(https://www.justice.gov.za/inforeg/\)](https://www.justice.gov.za/inforeg/).

6. Categories of records of the Practice which are available without a person having to request access (Section 52 of PAIA)

The Practice does not have any records, as contemplated in section 52 of PAIA, that are automatically available without a person having to request access in terms of PAIA.

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that – “The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

