



# **PAIA AND POPIA MANUAL**

Of  
**SOMNUS ANGELIS (CC)**  
**("HOMEHEALTH SOLUTIONS")**

Registration number 2011/024829/23  
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 HomeHealthSolutions is defined) prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies' records.

This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

## 2. COMPANY INFORMATION AND CONTACT DETAILS OF THE INFORMATION OFFICER

Somnus Angelis is a closed corporation in the health sector, focused on clinical consultations and assessments by healthcare professionals, diagnosis, treatment, compliance monitoring of obstructive sleep apnoea and distribution of leading brands of medical equipment for home use to reduce the risk of complications from obstructive sleep apnoea, and are subject to the rules and regulations of the South African Nursing Council, and Health Professions Council of South Africa.

The details of the Company are as follows:

Full Name	Somnus Angelis cc T/A HomeHealth Solutions
Registration Number	2011/024829/23
Physical Address (Administrative Office)	52 Union Street Deneysville Deneysville Freestate 1932
Physical Address	Midvaal Private Hospital Nile Drive Three Rivers 1929
Postal Address	PO Box 304 Deneysville Freestate 1932
Email Address	adele@snoresister.co.za
Telephone Number	081 245 6151 / 084 578 8102

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

Information Officer	Adele Duvenage
Physical Address	Midvaal Private Hospital Nile Drive Three Rivers 1929
Postal Address	PO Box 304 Deneysville Freestate 1932
Email Address	adele@snoresister.co.za
Telephone Number	081 245 6151



### 3. SOUTH AFRICAN HUMAN RIGHTS GUIDE

The PAIA guide is available in all official South African languages at no cost, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

#### **The South African Human Rights Commission**

PAIA Unit - The Research and Documentation Department  
Private Bag X2700  
Houghton  
2041

Telephone	+27 11 877 3600
Facsimile	+27 11 403 0625
E-mail	paia@sahrc.org.za
Website	www.sahrc.org.za

Or, alternatively:

#### **The Information Regulator (South Africa)**

JD House, 27 Stiemens Street,  
Braamfontein, Johannesburg, 2001  
E-mail

inforeg@justice.gov.za  
<https://www.justice.gov.za/inforeg/index.html>

### 4. APPLICABLE LEGISLATION

The following are some of the legislation in terms of which records are held by HomeHealth Solutions. This is not an exhaustive list and it must be pointed out that related records are not necessarily available to requestors in terms of the Act:

- Nursing Act No 33 of 2005
- Health Act No 63 of 1977
- National Health Act 61 of 2003
- Medical Schemes Act No 121 of 1998
- Medicines and Related Substance Act 101 of 1965
- Pharmacy Act 53 of 1974
- Health Professions Act 56 of 1947
- Basic Conditions of Employment Act 57 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Broad-based Black Economic Empowerment Act 53 of 2003
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Telecommunications Act 103 of 1996
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act No 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act of 2013
- 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 COMPANY

### 5.3 AUTOMATIC DISCLOSURE OF RECORDS

Certain information is automatically available for inspection from the HomeHealth Solutions websites ([www.snoresister.co.za](http://www.snoresister.co.za) / [www.sleepapneasisister.co.za](http://www.sleepapneasisister.co.za)), including:

- Our contact details (including address, telephone, and email)
- Our Opening Hours
- Our services and what to expect at your first consultation.
- Our terms and billing consent document
- Our policy on privacy / confidentiality
- Marketing Materials
- Other literature intended for public viewing.

### 5.4 CATEGORIES OF RECORDS HELD BY THE COMPANY

The following categories of records and information that are not automatically available and will only be made available upon receipt and consideration of a request of information in the prescribed form in terms of PAIA and POPIA:

- Patient Records
- Technical Records
- Administration Records
- Agreement and Contractual Records
- Company Secretarial Records
- Financial Records
- Health Information Records
- Human Resource Records
- Income Tax Records
- Information Technology Records
- Insurance Records
- Intellectual Property Records
- Legal Records
- Marketing Records
- Movable and Immovable Property Records
- Operation Records
- Public Affairs Records
- Statutory Compliance Records
- Tax Records
- Third Party Records

## 6. REQUEST PROCESS

Records held by HomeHealth Solutions 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 HomeHealth Solutions. Requests for access to records held by HomeHealth Solutions must be made by the requester using the prescribed Form C: Request for Access to Record of Private Body, available on the SAHRC website or the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)). Such request must be made to the Information Officer at the address, or email address provided for 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 requestor.



- 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 requestor requests to be informed in any other manner and state the necessary particulars to be so informed.
- Identify the right that the requestor is seeking to exercise or protect and provide an explanation of why the requested record is required for the protection of such right.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

## 7. AVAILABILITY OF THE MANUAL

This manual will be updated as required or when the relevant legislation changes. This manual is available for inspection on <http://www.snoresister.co.za> and <http://www.sleepapneasisster.co.za>

The manual is also available for viewing at HomeHealth Solutions head office. Copies of the manual may be made available subject to the prescribed fees.

## 8. PRESCRIBED FEES

The requester needs to pay an access fee as prescribed by the Minister for Justice and Constitutional Development to enable the company to recover the cost of processing a request and giving access to records in terms of PAIA. Other fees apply depending on the request.

Please see the following link to see the prescribed fees: <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 fees have been paid and where a decision to grant a request has been taken, 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 denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- privileged information
- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property.
- Information privileged from production in legal proceedings.
- Commercial information of HomeHealth Solutions; and
- Research information

If HomeHealthSolutions cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requester will receive a notice in this regard from the Information Officer, setting out the measures taken to locate the document and accordingly the inability to locate the document.

Requests for information that are clearly frivolous or vexatious or which involved an unreasonable diversion of resources shall be refused.



## 10. PROTECTION OF PERSONAL INFORMATION ACT

The purpose of the Protection of Personal Information Act (POPIA) is to promote the protection of personal information of individuals and businesses and to give effect to their right of privacy as provided for in the Constitution.

HomeHealthSolutions needs personal information relating to both individual and juristic persons to carry out its business, organisational functions and meet its legal requirements. The way this information is processed and the purpose for which it is processed is determined by HomeHealth Solutions.

HomeHealthSolutions is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- Is processed lawfully, fairly, and transparently.
- Is processed only for the purposes it was collected.
- Will not be processed for secondary purposes unless that processing is compatible with the original purpose.
- Is accurate, and
- Is not excessive for the purpose for it was collected.

### 10.1 PURPOSE

HomeHealth Solutions will only process personal information that, *inter alia*.

- Is necessary to enable us to provide our various products and services.
- Is necessary conclusion and management of various contracts.
- Is necessary for marketing requirements, and
- Is necessary for recruitment and general employee management.

### 10.2 CATEGORIES OF DATA SUBJECTS

- Customers
- Employees
- Contractors
- Debtors and creditors
- Directors

### 10.3 CROSS BORDER TRANSFERS

HomeHealth Solutions does not generally do cross border information transfers. In a few specific instances, medical devices may be obtained from overseas and in that case, you will be consented to allow your information to be shared with a third-party provider for remote device monitoring purposes.

However, in the unlikely event that cross border transfer of personal information is necessary and/or unavoidable, HomeHealth Solutions shall ensure that the data protection and privacy laws of such countries to which personal information is transferred, are similar to the legislation in South Africa, and that the recipients of the personal information commit to the same standard of data protection as that which HomeHealth Solutions has committed to.

### 10.4 RECIPIENTS OF PERSONAL INFORMATION

HomeHealth Solutions may, as authorised by the National Health Act, share relevant personal and health information with the hospital we work in, with other service providers who are involved in your care (Doctors, Nurses, Neurophysiologists, etc) and where such sharing is in your best interest and to medical schemes, and companies that provide specific products needed in your care, where applicable. We also must, by law, report adverse events of products (medicines / devices) to the SA Health Products Regulatory Authority and the company whose products it is.



## 10.5 INFORMATION SECURITY MEASURES

We have implemented reasonable technical and organisational measures to ensure the safety of all information. These measures include:

- Physical security measures
- Access control measures
- Encryption measures
- Cyber security measures
- Anti-virus measures
- Security firewalls
- Password control
- Policies