

**Section 51 manual for:**  
**SELECTIVE SURGICAL (PTY) LTD**  
**("the company")**

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**1. DEFINITIONS AND INTERPRETATIONS**

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -

<b>"PAIA"</b>	Promotion of Access to Information Act No. 2 of 2000 (as Amended);
<b>"POPIA"</b>	Protection of Personal Information Act No.4 of 2013;
<b>"THIS DOCUMENT"</b>	This document as amended from time to time;
<b>"THE COMPANY"</b>	Selective Surgical (Pty) Ltd;
<b>"THE ACT"</b>	Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
<b>"LIAISON OFFICER"</b>	The person duly authorised and appointed by the company to facilitate or assist with any request in terms of the Act.

**2. PURPOSE OF THIS PAIA MANUAL**

- 2.1 This PAIA Manual is to facilitate the requests for access to records of the company as provided for in the Act.
- 2.2 To ensure that Selective Surgical complies with PAIA and to foster a culture that promotes effective governance of private information.

**3. SELECTIVE SURGICAL (PTY) LTD**

- 3.1 Selective Surgical is a specialised medical device distributor, a private company established in accordance with the laws of South Africa with Registration Number: 2018/311457/07.



3.2 This PAIA Manual of Selective Surgical is available to view at its premises: Block 4 Constantia View Office Estate, 2 Hogsback Ave, Quellerina; as well as on its website: [www.selectivesurgical.co.za](http://www.selectivesurgical.co.za).

#### 4. DETAILS

Full name: Selective Surgical (Pty) Ltd  
Registration No.: 2018/311457/07  
Postal address: P O Box 605, Maraisburg, 1700  
Physical address: Block 4 Constantia View Office Estate, 2 Hogsback Ave, Quellerina, 1709  
Telephone: +27 11 991 7007  
Website: <https://www.selectivesurgical.co.za/>  
Email: [info@selectivesurgical.co.za](mailto:info@selectivesurgical.co.za)

#### 5. CONTACT DETAILS OF THE DIRECTORS OF THE COMPANY AND THE LIAISON OFFICER

##### 5.1. Financial Director

Name: Melvill Priest  
Tel: 011 991 7007  
Email: [melvill@selectivesurgical.co.za](mailto:melvill@selectivesurgical.co.za)

##### 5.2. Sales Director

Name: Dennis Tewson  
Tel: 011 991 7007  
Email: [dennis@selectivesurgical.co.za](mailto:dennis@selectivesurgical.co.za)

##### 5.3. Liaison Officer

Name: David Schonfelder  
Tel: 011 991 7007  
Email: [david@selectivesurgical.co.za](mailto:david@selectivesurgical.co.za)

##### 4.4 Access to Information General Contacts

Email: [info@selectivesurgical.co.za](mailto:info@selectivesurgical.co.za)

## 6. GUIDE OF HUMAN RIGHTS COMMISSION

6.1. The South African Human Rights Commission has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

6.2. The Guide contains information on understanding and how to use PAIA, including:

The objectives of PAIA;

Particulars of every Public and Private Body;

The manner and form for requests; and

Contents of the Regulations promulgated under PAIA.

6.3. The Guide is available in all the official languages of the Republic of South Africa.

6.4. Any enquiries regarding this Guide should be directed to the South African Human Rights Commission, at:

Postal address: Private Bag 2700 Houghton, 2041

Telephone: +27 11 484 8300

Telefax: +27 11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail Address: section51.paia@sahrc.org.za

## 7. INFORMATION AVAILABLE IN TERMS OF PAIA

The following categories of information are available for inspection in terms of PAIA. The procedure in terms of which such records may be requested from the Company is set out in this manual. The records listed below will not in all instances be provided to a requester who requests them in terms of PAIA as the requester is required to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. Furthermore, the request may be denied on the basis of the grounds of refusal under PAIA.

### 7.1 HUMAN RESOURCES DEPARTMENT

- Employment contracts and history;
- Employee benefit records such as medical aid records and pension fund records;
- Employee recruitment and selection information;
- Salary records;
- SETA records;



- Disciplinary code;
- Disciplinary records;
- Leave records;
- Training and development records; and
- Training Manuals.

## 7.2 FINANCIAL RECORDS

- Annual financial statements;
- Tax returns;
- A list of the company's creditors and debtors;
- Salary information;
- Bank account information;
- Asset register;
- Rental Agreements; and
- Invoices.

## 7.3 PROJECT MANAGEMENT

- Building plans; and
- Information generally related to projects conducted by the company from time to time.

## 7.4 INFORMATION TECHNOLOGY

- Usage statistics;
- Equipment details; and
- Costings of hardware and software.

## 7.6 MARKETING

- Function records and related costings;
- List of suppliers;
- Company brochures and publications;
- Documents relating to public relation events; and
- Company media releases.

## 8. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF PAIA

- 8.1 Records of a public nature, typically those disclosed in annual reports, may be accessed without the need to submit a formal application.

8.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Liaison Officer.

## 9. HOW TO MAKE A REQUEST FOR ACCESS

9.1 The requester must complete the prescribed form (Form 2: "Request for access to information". The form is available from the company website and from the Human Resource Commission website, or the website of the Department of Justice and Constitutional Development.

9.2 The prescribed form must be submitted to the Liaison Officer at the specified address, number or e-mail address, who shall hand it to the directors of the company.

9.3 The form must:

- provide sufficient particulars to enable the directors of the company to identify the record/s requested and to identify the requester;
- indicate which form of access is required;
- identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner; and
- if the request is made on behalf of another person, include proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the directors of the company.

9.4 The directors of the company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.

9.5 The requester will be notified of the decision of the directors of the company by the Liaison Officer in the manner indicated by the requester.

9.6 If the request is granted, the requester shall be informed by the Liaison Officer in the manner indicated by the requester in the prescribed form.

9.7 The Liaison Officer will advise the requester in the manner stipulated by the requester in the prescribed form of -



- 9.7.1 the access fee to be paid for the information (in accordance with section 10);
  - 9.7.2 the format in which access will be given; and
  - 9.7.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 9.8 If the request for access is refused, the Liaison Officer shall advise the requester in writing of the refusal. The notice of refusal shall state –
- 9.8.1 adequate reasons for the refusal; and
  - 9.8.2 that the requester is entitled in accordance with sections 56(3) (c) and 78 of PAIA to apply to a court for relief within 180 days of notification of the decision for appropriate relief, such as an order compelling the record or records requested to be made available to the requester or for another appropriate order. The court will determine whether the records should be made available or not.
- 9.9 Upon the refusal by the directors of the company, the deposit paid by the requester will be refunded.
- 9.10 If the directors of the company or the Liaison Officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the directors of the company or the Liaison Officer has refused the request.
- 9.11 The directors of the company may decide to extend the period of thirty days ("original period") for another period of not more than thirty days if –
- 9.11.1 the request is for a large number of records;
  - 9.11.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
  - 9.11.3 consultation among divisions or departments, as the case may be, of the company is required;
  - 9.11.4 the requester consents to such an extension in writing; and
  - 9.11.5 the parties agree in any other manner to such an extension.
- 9.12 Should the company require an extension of time; the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 9.13 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out.

## **10 FEES PAYABLE**

In certain instances, there is a prescribed fee (payable in advance where applicable) for requesting and accessing information in terms of PAIA. Details of these fees are contained in the request form (Form 3: “Outcome of Request and Fees Payable”). A Requester may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information that is requested, including copying charges.

## **11 INFORMATION OR RECORDS NOT FOUND**

- 11.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the directors of the company or the Liaison Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the directors of the company Liaison Officer with every person who conducted the search.
- 11.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 11.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the directors of the company.

## **12 INFORMATION REQUESTED ABOUT A THIRD PARTY**

- 12.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.
- 12.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.