Manual

Of

Soma Initiative (Pty) Ltd (Private Body)

Prepared and compiled on 2022-02-07 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 (as amended) in respect of Soma Initiative (Pty) Ltd.

Registration number: 2000/025255/07

Update: 2022-02-07

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1. INTRODUCTION

Soma Initiative (Pty) Limited, trading as Soma Initiative, conducts business as absenteeism managers, disability consultants and disability risk underwriters. We are an industry expert, ready to assist any client in absentee management, occupational disability assessment (impairment evaluations, incapacity dismissals, permanent health insurance, claim validity assessment, employee incapacity management and reasonable accommodation) and employee risk benefit underwriting.

2. THE ACT

The Promotion of Access to Information Act, No 2 of 2000 ("The Act") was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act sets out the requisite procedural issues attached to such request.

3. PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "Private Body" in this manual, it will refer to Soma Initiative (Pty) Ltd.

This PAIA Manual assist you to-

- 3.1 check the categories of records held by Soma Initiative (Pty) Ltd 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 Soma Initiative (Pty) Ltd, by providing a description of the subjects on which Soma Initiative (Pty) Ltd holds records and the categories of records held on each subject;
- 3.3 know the description of the records of Soma Initiative (Pty) Ltd 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 you with the records you 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 Soma Initiative (Pty) Ltd 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 Soma Initiative (Pty) Ltd 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 Soma Initiative (Pty) Ltd has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. CONTACT DETAILS:

Information Officer:

Ms Anita Lesley Paulse

Postal Address: P.O. Box 2475 Clareinch 7740

Physical Address: Soma Terrace Block E Greenford Office Estate Punters Way Kenilworth 7708

Telephone No: +27 21 670 6920

E-mail: info@soma-i.co.za

Deputy Information Officer:

Ms Marianne Lancefield

GENERAL INFORMATION:

Name of **Private Body: Soma Initiative (Pty) Ltd**

Registration No: 2000/025255/07

Postal Address: P.O. Box 2475 Clareinch Physical Address (or principal place of business): Soma Terrace Block E Greenford Office Estate Punters Way Kenilworth 7708

Telephone No: +27 21 670 6920

E-mail:

info@soma-i.co.za

Website:

www.soma-i.co.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), 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 aforesaid 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 PAIA and section 56 of POPIA;
- 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 11 of PAIA; and
 - 5.3.3.2 access to a record of a private body contemplated in section 50 of PAIA;
- 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5 the assistance available from the 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 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 Regulator or a decision of the head of a private body;
- 5.3.7 the provisions of sections 14 and 51 of PAIA 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 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 5.3.10 the regulations made in terms of section 92 of PAIA.

- 5.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5 The Guide can also be obtained-
- 5.5.1 upon request to the Information Officer;
- 5.5.2 from the website of the Regulator (https://www.justice.gov.za/inforeg/).
- A copy of the Guide is also available in two official languages, for public inspection during normal office hours.

6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

As a private body, Soma Initiative is not obligated to publish a list of public records.

7. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the **Private Body** holds in order to facilitate a request in terms of **The Act.**

The information is classified and grouped according to records relating to the following subject and categories: It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

Subjects on which the body holds records	Categories of records
Company Documentation:	 Documents of incorporation Memorandum and Articles of Association Minutes of Board of Directors meetings Records relating to the appointment of directors / auditor / secretary / public officer and other officers Share Register and other statutory registers
Financial Documentation:	Annual Financial StatementsTax Returns

	- Accounting Records
	- Banking Records
	- Bank Statements
	- Electronic Banking Records
	- Asset Register
	- Rental Agreements
	- Invoices
	- Client contracts
Human Resources:	- Employment contracts
	- Employment Equity Plan
	- Disciplinary records
	- Salary records
	- SETA records
	- Disciplinary code
	- Leave records
	- Training records
Income Tax Records:	- PAYE Records
	 Documents issued to employees for
	income tax purposes
	- Records of payments made to SARS on
	behalf of employees
	- All other statutory compliances
	- VAT
	- Skills Development Levies
	- UIF
	- Workmen's Compensation

8. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to Soma Initiative (Pty) Ltd, which includes but is not limited to, the following -

Category of Records	Applicable Legislation
Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Employment Contracts, Policies &	Labour Relations Act, 66 of 1995
Procedures	Basic Conditions of Employment Act, 75 of 1997
Employment Equity	Employment Equity Act, 55 of 1998
records/submissions	

B-BBEE records	Broad-Based Black Economic
	Empowerment Act, 53 of 2003
Workman's Compensation	Compensation for Occupational Injuries
	and Diseases Act, 130 of 1993
	Constitution of the Republic of South
	Africa, 108 of 1996
UIF	Unemployment Insurance Act, 63 of 2001
Procedures regulating service delivery	Consumer Protection Act, 68 of 2008
Company Policies & Procedures	Protection of Personal Information Act, 4 of
regulating the processing of personal	2013
information	
Income Tax records	Income Tax Act, 58 of 1962
Employee Training & Development	Skills Development Act, 9 of 1997
	Skills Development Levy Act, 9 of 1999

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

9. PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of Processing Personal Information

We only process personal information:

- in order to meet our contractual obligations to our clients, employees, suppliers and service providers;
- in order to comply with legislative requirements;
- in pursuit of the any legitimate interest of our data subjects, our Company or third parties.

9.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, contact details, address,
	registration numbers, employment status.
Service Providers	name, contact details, address, registration
	number, VAT registration number, address and
	bank details.
Employees	name, address, contact details, bank details, tax
	registration number, employment history,
	qualifications, gender and race.
Patient	name, address, contact details, medical information

9.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Client, supplier, staff identity	South African Police Services
number and names, for criminal checks	
Staff qualifications for	South African Qualifications Authority
qualification verifications	
Staff salary confirmation for	Credit Bureaus
credit information	
Supplier business details, client	SARS, Standard Bank, SEESA, Andrie
business details, staff salary and	Marias, Pastel, LPH Chartered Accountants,
personal details, banking details,	SDF Corporation
tax numbers	

Staff personal and contact details, medical information	SARS, UIF, Allan Gray, VIP, SZ Payroll
	SErvices, SEESA, Andrie Marais, SDF
	Corporation, SAPS
Client employee personal,	Independent medical practitioners, Soma
employment, and medical	independent contractors, Client (employer of
details	employee)

9.4 Planned transborder flows of personal information

Not Applicable

9.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Physical Safeguards:

- Access Control and monitoring
- Registers (at gate)
- Restricted access to departments based on levels of authority

IT Safeguards:

- Password Protection
- Antimalware/antivirus updated per vendor recommendations
- Firewalls implemented at all breakout points to external networks
- Administrator and privileged level access
- Critical applications and sensitive data access
- Account lockout as a result of failed authentication attempts
- Store security logs
- Implemented controls to restrict unauthorised access to sensitive data via our wireless network
- Controls implemented to protect accounts including installation and administration accounts from brute force password attacks
- Store system activity logs

Data Destruction:

implemented data retention and secure destruction policies for physical

10. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Access to records held by the PRIVATE BODY

Records held by the **Private Body** may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of **The Act,** including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in **The Act** relating to the request for access to a record.

The requester must complete the prescribed Form and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

The **Private Body** will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above time periods are not complied with.

The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he / she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requesters making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

11. FEES

When the Information Officer receives the request, such Officer shall by notice require the requester to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

12. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the **Private Body** to refuse a request for information relates to the:

Mandatory protection of the privacy of a third party that is a natural person that would involve the unreasonable disclosure of personal information of that natural person;

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;

- Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

Mandatory protection of confidential information of the protection of property; Mandatory protection of records that would be regarded as privileged in legal proceedings;

The commercial activities of the **Private Body**, which may include:

- Trade secrets of the Private Body;
- Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the **Private Body**;
- Information which, if disclosed could put the **Private Body** at a disadvantage in negotiations or commercial competition;
- A computer program, owned by the **Private Body**, and protected by copyright.

The research information of the **Private Body** or a third party, if its disclosure would reveal the identity or the **Private Body**, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

13. DECISION

The **Private Body** will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which the **Private Body** has to decide whether to grant or refuse the request, may be extended for further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the **Private Body** and the information cannot reasonably be obtained within the original 30 day period. The **Private Body** will notify the requester in writing should an extension be sought.

AVAILABILITY OF THE MANUAL

The manual of the **Private Body** is available at the premises of the Private body as well as on the website of the **Private Body**.

Signed by:

Date: 24 April 2023



Appendix 1 – Form C – Prescribed Form to be Completed by a Requester

REQUEST FOR ACCESS TO RECORDS OF SOMA INITIATIVE (PTY) LTD

As per Section 53(1) of the Promotion of Access to Information Act, No.2 of 2000

Regulation 4

A) PARTICULARS OF SOMA INITIATIVE (PTY) LTD

The Information Officer

Attention:

Name: Anita Lesley Paulse
Telephone: +27 (21) 670 6920
Email: info@soma-i.co.za

Postal Address: Soma Terrace, Block E, Greenford Office Estate, Punters Way, Kenilworth, 7708

B) PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a) The particulars of the person who requests access to the records must be recorded below.
- b) Furnish an address and/or fax number in the Republic of South Africa to which information must be sent
- c) Proof of capacity in which the request is made, if applicable, must be attached.
- d) Reason for the request in writing must be given.

Full name and surname	
Postal address	
Identify number	
Fax number	
Telephone number	
E-mail address	
Capacity in which the request is made, when on behalf of another person	

Head Office: Western Cape

Regional Office: Gauteng

Block E, Greenford Office Estate, Punters Way, Kenilworth, 7700 PO Box 2475, Clareinch, 7740 Building 15, Pinewood Office Park, 33 Riley Road, Woodmead, 2128 PO Box 172, Gallo Manor, 2052

C) PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

The section must be completed only if a request for information is made on behalf of another person

Full name and surname	
Identify number	
Company Name (in applicable)	

D) PARTICULARS OF THE RECORD

- a) 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.
- b) If the provided space is inadequate, please continue on a separate page and attach it to this form.
- c) Please sign all additional pages.

1. Full description of the record or relevant part of the record
2. Reference number(s), if available
3. Any further particulars of the record

E) FEES

- a) A request for access to a record containing personal information 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 the access is required, and the reasonable time required to searching for and preparing a record.
- d) If you qualify for exemption for the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees		

F) FORM OF ACCESS TO THE RECORD

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

DISA	ABILITY:	FORM IN WHICH RECORD IS REQUIRED	
Mark Note	the appropriate box(es) below with an "X"		
		depends on the form in which the record is available.	
		n certain circumstances. In such a case you will be	
	med if access will be granted in another form.	will be determined north, by the forms in which access	
,	le fees payable for access to the record, if any, \ quested.	will be determined partly by the form in which access	
	the record is in written or printed form:		
	Copy of record*		
	Inspection of record		
	the record consists of visual images:		
		rdings, computer generated images, sketches,	
etc.)			
	View the images		
	Copy of the image*		
	Transcription of the images*		
		formation which can be reproduced in sound:	
	Listen to the soundtrack (audio cassette)		
	Transcription of soundtrack* (written or printed	,	
	the record is held on computer or in an elec	tronic or machine-readable form:	
	Printed copy of record		
	Printed copy of information derived from the re-		
	Copy in computer readable form* (stiffy or com		
If you requested a copy or transcription of a record (above), do you want the copy or transcription to be posted to you?			
\	Yes		
1	No		
•			

G) PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

If the provided space is inadequate, please continue of a separate page and attach it to this form. **The requester must sign all additional pages.**

Indicate which right is to be exercised or protected:				

	Explain why the requested record is required for the exercising 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 thereof 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?
Sig	gned at(place) this day of (date)(month) 20(year).
SIC	SNATURE OF THE REQUESTER /
	RSON ON WHO'S BEHALF REQUEST IS MADE

Appendix 2 - Production Fees

1. The Applicable Fees for the Reproduction as referred to below are:

Description	Fee
For every photocopy of an A4-size page or part thereof	R 0 – R 10.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	R 0 – R 75.00
For a copy in a computer-readable form on:	Stiffy Disc: R 7.00 – R 50.00
	Compact Disc: R 70.00
A transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
A transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00

2. Request Fees

Where a requester submits a request for access to information form a private body or a person other than the requester him/herself, a request fee in the amount of R 50.00 is payable upfront before the private body will further process the request received.

3. The Access payable by a requester as referred to below are:

Description	Fee
For every photocopy of an A4-size page or part thereof	R 0 – R 10.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	R 0 – R 75.00
For a copy in a computer-readable form on:	Stiffy Disc: R 7.00 – R 50.00
	Compact Disc: R 70.00
A transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
A transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 20.00
To search for a record that must be disclosed (per hours or part of an hour reasonably required for such search)	R 30.00

- 4. Copies shall be printed in black and white.
- 5. Where a copy of a record has to be posted the actual postal fee is payable (*).

6. Deposits

Where Soma Initiative (Pty) Ltd receives a request for access to information on a person other than the requester him/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

Note: In terms of Regulation 8, VAT must be added to all fees prescribed in terms of the Regulations.

7. Availability of the Manual

The PAIA manual of Soma Initiative (Pty) Ltd is available at its premises as well as on the website of Soma Initiative (Pty) Ltd.

Dr. Douglas Baard Managing Director

SOMA INITIATIVE (PTY) LTD

<u>Date</u>: 24 April 2023