

Manual
OF
Dermafrica (Pty) Ltd
(Private Body)

Prepared and compiled on 2021-06-28 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 in respect of Dermafrica Pty Ltd and its associated entities.

Registration number: 2021/696504/07

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1. INTRODUCTION

GENERAL INFORMATION OF THE COMPANY:

Registered Name: Dermafrica (Pty) Ltd

Company Registered Number: 2021/696504/07

2. SCOPE OF THE MANUAL

Scope of Goods and Services rendered by the Company: **Dermafrica (Pty) Ltd** Supplies, Imports, and the marketing of medical goods in the field of beauty and aesthetics and training.

3. 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.

4. 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 **Dermafrica (Pty) Ltd** and all its entities for whom this manual is drafted.

5.1 CONTACT DETAILS

Information Officer:	Anton Esterhuysen
Postal Address:	Kendon house nr 3 Kiepersol close, Platteklouf 3, Cape Town 7500
Physical Address:	Kendon house nr 3 Kiepersol close, Platteklouf 3, Cape Town 7500
Telephone No:	021 917 1911
E-mail:	anton@dermafrica.com

5.2 GENERAL INFORMATION

Name of Private Body:	Dermafrica (Pty) Ltd
Registration No:	2021/696504/07
Postal Address:	Kendon house nr 3 Kiepersol close, Platteklouf 3, Cape Town 7500
Physical Address:	Kendon house nr 3 Kiepersol close, Platteklouf 3, Cape Town 7500
Telephone No:	021 917 1911
E-mail:	info@dermafrica.com
Website:	https://www.dermafrica.com

6. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission had compiled the guide contemplated in Section 10 of **The Act**. It contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in **The Act**. The Guide is available for inspection, inter alia at 29 Princess of Wales Terrace, cnr York and St Andrews Street. Any enquiries regarding this guide should be directed to:

The South African HUMAN RIGHTS COMMISSION, at PAIA Unit
(RESEARCH AND DOCUMENTATION DEPARTMENT)

Private Bag X2700, HOUGHTON, 2041

Telephone Number: (011) 484-8300

Facsimile Number: (011) 484-1360

Website: www.sahrc.org.za

E-mail Address: PAIA@sahrc.org.za

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

This PAIA manual is available to view at the physical address set out above. 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.

8. 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.

8.1 Company Documentation

- 8.1.1 Documents of incorporation
- 8.1.2 Memorandum and Articles of Association
- 8.1.3 Minutes of Board of Directors meetings
- 8.1.4 Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers.
- 8.1.5 Share Register and other statutory registers

8.2 Financial Records

- 8.2.1 Annual Financial Statements
- 8.2.2 Tax Returns
- 8.2.3 Accounting Records
- 8.2.4 Banking Records
- 8.2.5 Bank Statements

- 8.2.6 Electronic Banking Records
- 8.2.7 Asset Register
- 8.2.8 Rental Agreements
- 8.2.9 Invoices

8.3 Income Tax Records

- 8.3.1 PAYE Records
- 8.3.2 Documents issued to employees for income tax purposes.
- 8.3.3 Records of payments made to SARS on behalf of employees.
- 8.3.4 All other statutory compliances
- 8.3.5 VAT
- 8.3.6 Skill Development Levies
- 8.3.7 UIF
- 8.3.8 Workmen's Compensation

8.4 Personnel Records and Documentation

- 8.4.1 Employment contracts
- 8.4.2 Employment Equity Plan
- 8.4.3 Medical Aid Records
- 8.4.4 Disciplinary records
- 8.4.5 Salary records
- 8.4.6 SETA records
- 8.4.7 Disciplinary code
- 8.4.8 Leave records
- 8.4.9 Training records

9. REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to **Dermafrica (Pty) Ltd**, which includes but is not limited to, the following:

- Labour Relations Act, 66 of 1995
- Employment Equity Act, 55 of 1998
- Basic Conditions of Employment Act, 75 of 1997
- Broad Based Economic Empowerment Act, 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Constitution of the Republic of South Africa, 108 of 1996
- Companies Act, 61 of 1973
- Unemployment Insurance Act, 63 of 2001
- Consumer Protection Act, 68 of 2008

- Value Added Tax Act, 89 of 1991
- Skills Development Act, 9 of 1997
- Skills Development Levy Act, 9 of 1999
- Income Tax Act, 58 of 1962
- Protection of Personal Information Act, 4 of 2013

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

10. RECORDS HELD IN RESPECT OF 3RD PARTY (IES)

Records held by the **Private Body** pertaining to other parties, including without limitation:

- Financial records
- Correspondence
- Contractual and transactional records

11. 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 C 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.

12. FEES

The **Act** provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the Information Officer receives the request, such Officer shall by notice require the requester, other than a personal 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 in **Appendix 2**.

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.

13. 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 part
- 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.

14. REMEDIES AVAILABLE IN THE EVENT OF REFUSAL OF REQUEST FOR INFORMATION

Internal remedies

The **Private Body** does not have an internal appeal procedure. As such, the decision made by the 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 by the Information Officer.

External remedies

A requester who is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with and Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. A court for relief, is a Court of Law as referred to in The Act or any other Court of similar status.

15. 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.