



**JOINTCARE (PTY) LTD  
("JOINTCARE")**

**THE PROMOTION OF ACCESS TO INFORMATION MANUAL  
("Manual")**

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 200 (AS AMENDED)**

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |                    |  |
|-----|--------------------|--|
| 1.1 | <b>“CEO”</b>       | Chief Executive Officer;   |
| 1.2 | <b>“DIO”</b>       | Deputy Information Officer;  |
| 1.3 | <b>“IO”</b>        | Information Officer;   |
| 1.4 | <b>“Minister”</b>  | Minister of Justice and Correctional Services;                     |
| 1.5 | <b>“PAIA”</b>      | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.6 | <b>“POPIA”</b>     | Protection of Personal Information Act No.4 of 2013;               |
| 1.7 | <b>“Regulator”</b> | Information Regulator; and   |
| 1.8 | <b>“Republic”</b>  | Republic of South Africa.  |

## 2. PREAMBLE

- 2.1 PAIA came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, that the person complies with the procedural requirements as set out in PAIA relating to a request for access to information, and provided that no grounds of refusal contained in PAIA are applicable.
- 2.2 Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.
- 2.3 This Manual constitutes the JointCare PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by POPIA, which gives effect to everyone's Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal

information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.

- 2.4 This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

### 3. **PURPOSE OF THIS MANUAL**

This Manual was prepared in accordance with section 51 of PAIA and is useful for the public to:

- 3.1 check the categories of records held by JointCare 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 JointCare,
- 3.3 know the description of the records of JointCare which are available in accordance with any other applicable legislation;
- 3.4 access all the relevant contact details of JointCare's Information Officer and Deputy Information Officer who will assist the public with the records they request access to;
- 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 the description of JointCare's processing activities in terms of POPIA, including information about 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 recipients or categories of recipients with whom JointCare may share personal information with;

- 3.8 know if JointCare 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 transferred to; and
- 3.9 know whether JointCare has implemented appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which JointCare processes.

#### 4. **ABOUT JOINTCARE**

JointCare Proprietary Limited, registration number 2023/830632/07 ("**JointCare**"), is a South African private company that administers a national hip and knee-replacement network. Specifically, JointCare is an accredited managed-care organisation, providing network-management and risk-management services. We partner with orthopaedic surgeons and medical schemes to help facilitate high-quality and cost-effective medical care.

#### 5. **KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF JOINTCARE**

Name of Private Body:	JointCare Proprietary Limited
Designated Information Officer:	Antoine Smith Dryden Dymond
Email address of Information Officer:	<a href="mailto:information.officer@joint-care.co.za">information.officer@joint-care.co.za</a>
Telephone number	011 568 3334
General contact	<a href="mailto:info@joint-care.co.za">info@joint-care.co.za</a>
Website	<a href="https://joint-care.co.za/">https://joint-care.co.za/</a>
Physical address:	11 Polo Crescent Woodmead Johannesburg Gauteng 2191

## 6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 6.1 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 wishing to exercise a right of access to information in terms of PAIA and POPIA.
- 6.2 The Guide is made available in each of the official languages of South Africa and in braille. Members of the public can inspect or make copies of the Guide from the offices of public and private bodies, including the office of the Information Regulator and the Information Officer free of charge, during normal working hours.
- 6.3 Any enquiries regarding the Guide should be directed to:

**Physical address:** JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg 2001

**E-mail address:** [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

**Website:** <https://inforegulator.org.za/>

## 7. ENTRY POINT FOR REQUESTS

- 7.1 PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- 7.2 Information will therefore not be furnished unless a person provides sufficient particulars to enable JointCare to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance.
- 7.3 The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 7.4 The Information Officer will facilitate the liaison with the internal legal team on all of these requests.

- 7.5 All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 5 above.

## 8. CATEGORY OF RECORDS OF JOINTCARE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

- 8.1 JointCare does not have a separate notice of records automatically available to requesters. Information that is obtainable via the JointCare's website about JointCare is automatically available and need not be formally requested in terms of this Manual. For purposes of section 51(1)(b)(ii) of the Act; these records are:

- 8.1.1 Brochures;
- 8.1.2 Press releases;
- 8.1.3 Publication;
- 8.1.4 Various other marketing and promotional material;
- 8.1.5 Terms of Use; and
- 8.1.6 Privacy Policy.

## 9. INFORMATION AVAILABLE IN TERMS OF POPIA

- 9.1 In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by JointCare will depend on the nature of the data and the particular data subject. Please refer to JointCare's Privacy Policy for further information, which is available on our website at: <https://joint-care.co.za/>.

### 9.2 Description of categories of data subjects and of the information or categories of information collected by JointCare

Categories of data subjects	Categories of Personal Information collected
Shareholders	Shareholder personal information
Clients (including potential and previous clients)	Personal/special personal information
	Contact information
	Bank details, e.g. account number, etc.
	Biometric information
	Surveillance information (e.g. CCTV footage)

	Client contracts
	Location information
	Data collected through cookies and tracking technologies
	Data collected through surveys
	Third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).
Suppliers, service providers, or contractors	Supplier or supplier representative personal information
	Supplier contracts
	Supplier bank details
	Biometric information of supplier representatives
	Surveillance information of supplier representatives (e.g. CCTV footage)
	Third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).
Employees (prospective, previous and existing employees)	Employee personal information
	Employee education and psychometrics records
	Employee medical information
	Employee disability information
	Employee biometric information
	Employee pension and provident fund information
	Employee bank details
	Employee tax and financial information
	Employee contracts
	Employee beneficiary information
	Employee performance records
	Payroll records
	Electronic access records
	Physical access records



	Surveillance records
	Health and safety records
	Training records
	Background checks
	Criminal checks
	Employment history
	Employee vehicle registration
Job applicants	Curriculum vitae and application forms
	Criminal checks
	Background checks
Family members of Employees	Personal information
	Medical and disability information
	Personal information acquired for processing travel documents
Children of Employees	Child's personal information processed e.g. birth certificate, etc.
	Child's medical information and disability information
	Child's information acquired for processing travel documents
Visitors	Physical access records
	Electronic access records, scans and photographs
	Surveillance records (e.g., CCTV footage)
	Biometric information
Patient Data	Full name
	Contact information
	Personal/special personal information including medical history and clinical records
	Address
	ID/passport number
	Biometric information
Healthcare Professionals	Full name

(including doctors, nurses and specialists)	Healthcare Professionals' personal information
	Contact information
	Qualifications
	Employment records
	Access logs
	Medical indemnity and insurance details
	Compliance and regulatory data (including HPCSA/SAHPRA data)
	Remuneration and benefits
	Clinical performance data (including patient outcomes, procedure logs etc.)
Regulatory Data, Products and "Recipes"	Product registration (including applications, approvals, amendments and renewals etc.)
	Clinical trial data
	Product specifications
	Formulations ("recipes") (including manufacturing formulas, batch records, standard operating procedures (SOPs))
	Stability data
	Pharmacovigilance data
	Import/export documentation
	Correspondence with regulators
	Certificates

### 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
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification	South African Qualifications Authority

verifications	
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#### 9.4 **Planned transborder flows of personal information**

No transborder flows of personal information are planned.

#### 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**

JointCare takes extensive information security measures to ensure the confidentiality, integrity and availability of personal and special personal information in our possession. JointCare takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, misuse, unauthorised access, disclosure, alteration, destruction or damage. Practices include the use of encryption and/or the use of Tier 3 ISO 27001 certified data centres.

### 10. **INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

#### 10.1 Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Close Corporations Act 69 of 1984
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act 112 of 1976
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Patents Act 57 of 1978
- Pension Funds Act 24 of 1956

- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stock Exchanges Control Amendment Act 54 of 1995 (and the rules and listing requirements of the JSE Securities Exchange authorised in terms thereof)
- Trademarks Act 194 of 1993
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

10.2 Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

10.3 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

## 11. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

11.1 JointCare maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

11.2 Please note further that many of the records held by JointCare are those of third parties, such as clients, patients and employees, and JointCare takes the protection of third party confidential information very seriously. For further information on the grounds of refusal of access to a record please see paragraph 12.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Subject on which the body holds records	Category of Records
Internal records	<ul style="list-style-type: none"> <li>• Memoranda and Articles of Association</li> </ul>

<p>The records listed pertain to JointCare's own affairs</p>	<ul style="list-style-type: none"> <li>• Financial records</li> <li>• Operational records</li> <li>• Intellectual property</li> <li>• Marketing records</li> <li>• Internal correspondence</li> <li>• Service records</li> <li>• Statutory records</li> <li>• Internal policies and procedures</li> <li>• Minutes of meetings.</li> </ul>
<p><b>Personnel records</b></p> <p>For the purposes of this section, "<b>personnel</b>" means any person who works for or provides services to or on behalf of JointCare and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of JointCare. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> <li>• Any personal records provided to us by our personnel</li> <li>• Any records a third party has provided to us about any of their personnel</li> <li>• Conditions of employment and other personnel-related contractual and quasi legal records</li> <li>• Employment policies and procedures</li> <li>• Internal evaluation and disciplinary records and</li> <li>• Other internal records and correspondence.</li> </ul>
<p><b>Client-related records</b></p>	<ul style="list-style-type: none"> <li>• Contracts with the client and between the client and other persons</li> </ul>
<p><b>Other third party records</b></p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which JointCare is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to JointCare.</p>	<ul style="list-style-type: none"> <li>• Personnel, client, or JointCare records which are held by another party as opposed to being held by JointCare</li> <li>• Records held by JointCare pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers</li> </ul>
<p><b>Supplier Information</b></p>	<ul style="list-style-type: none"> <li>• Contracts with suppliers</li> </ul>

	<ul style="list-style-type: none"> <li>Records generated by or within the company pertaining to suppliers including transactional records</li> </ul>
<b>Information technology</b>	<ul style="list-style-type: none"> <li>Business and data information</li> <li>IT Technology capabilities</li> <li>Systems and user manuals</li> </ul>
<b>Other records</b>	<ul style="list-style-type: none"> <li>Information relating to JointCare Research information belonging to JointCare or carried out on behalf of a third party</li> </ul>

## 12. REQUEST PROCEDURE

### 12.1 Completion of prescribed form

- 12.1.1 Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 (available on the website of the Regulator at <https://infoeregulator.org.za/paia-forms/>) and should be specific in terms of the record requested.
- 12.1.2 A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.
- 12.1.3 POPIA provides that a data subject may, upon proof of identity, request JointCare to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 12.1.4 POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, JointCare must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.
- 12.1.5 Grounds for refusal of the data subject's request are set out in chapter 4 of PAIA and are discussed below.

- 12.1.6 POPIA provides that a data subject may object, at any time, to the processing of personal information by JointCare, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.
- 12.1.7 A data subject may also request JointCare to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that JointCare is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 12.1.8 A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

## 12.2 **Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to the prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

## 12.3 **Payment of prescribed fees**

- 12.3.1 A requester who seeks access to a record containing Personal Information must pay the required access fee.
- 12.3.2 The Information Officer must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 12.3.3 The requester may lodge an application to the High Court relating to the payment of the access fee.
- 12.3.4 After the Information Officer has decided on the request, the requester will be notified in the required form.

12.3.5 If the request is granted, a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.

12.3.6 A fee for a copy of this Manual, shall be payable per each A4-size photocopy made. The prescribed fees are available from the Information Officer and from the Regulator.

#### 12.4 **Timelines for consideration of a request for access**

12.4.1 Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

12.4.2 Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

#### 12.5 **Grounds for refusal of access to records and protection of information**

12.5.1 There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the mandatory protection of personal information of a third person (who is a natural person) from unreasonable disclosure, including a deceased individual;
- the mandatory protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put JointCare (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by JointCare.



12.5.2 Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

12.5.3 If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

### 13. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

13.1 If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

13.2 There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

13.3 Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

### 14. AVAILABILITY OF THE MANUAL

14.1 A copy of the Manual is available-

14.1.1 on JointCare's website at: <https://joint-care.co.za/>;

14.1.2 head office of the JointCare for public inspection during normal business hours to any person upon request and upon the payment of a reasonable prescribed fee; and

14.1.3 to the Information Regulator upon request.

14.2 A fee for a copy of the Manual, as contemplated in the Regulations, shall be payable per each photocopy made.

15. **UPDATING OF THE MANUAL**

The Information Officer will on a regular basis update this Manual.

***Issued by***

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***Antoine Smith Dryden Dymond***  
**Information Officer**