

essential nutriments



REGISTERED DIETITIANS

PAIA MANUAL

Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1 "Director"

Company Director

1.2 "DIO"

Deputy Information Officer;

1.3 "IO"

Information Officer;

1.4 "Minister"

Minister of Justice and Correctional Services;

1.5 "PAIA"

Promotion of Access to Information Act No. 2 of 2000 (as Amended;

1.6 "POPIA"

Protection of Personal Information Act No.4 of 2013;

1.7 "Regulator"

Information Regulator; and

1.8 "Republic"

Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

2.3 know the description of the records of the body which are available in accordance with any other legislation;

2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.6 know if the body 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;

2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.9 know if the body 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

2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF ESSENTIAL NUTRIMENTS

3.1. Chief Information Officer

- **Name:** Chantelle van der Merwe
- **Tel:** 0833906821
- **Email:** chantelle@essnutriments.co.za

3.2. Deputy Information Officer

- **No one assigned at present**

3.3 Access to information general contacts

- **Email:** admin@essnutriments.co.za

3.4 Practice Details

- **Postal Address:** 563 Leyds street, Muckleneuk, Pretoria, Gauteng, 0002
- **Physical Address:** 563 Leyds street, Muckleneuk, Pretoria, Gauteng, 0002
- **Telephone:** 0833906821
- **Email:** admin@essnutriments.co.za
- **Website:** www.essnutriments.co.za

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

4.1. 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.

4.2. The Guide is available in English and Afrikaans

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone, electronic mail address of-

- 4.3.2.1. the Information Officer of every public body, and
- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

4.3.3. the manner and form of a request for-

- 4.3.3.1. access to a record of a public body contemplated in section 11³; and
- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6. 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-

- 4.3.6.1. an internal appeal;
- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. 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;

4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92¹¹

4.4. 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.³⁵

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

- 4.6.1 Available in English and Afrikaans

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records. 39 ² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA. 40 ³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; 41 and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part. 42 ⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if- a) that record is required for the exercise or protection of any rights; b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; 43 and c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

44 ⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above. 45 ⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above. 46 ⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access 47 ⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access 48 ⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request. 49 ¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request. 50 ¹¹ Section 92(1) of PAIA provides that -"The Minister may, by notice in the Gazette, make regulations regarding- (a) any matter which is required or permitted by this Act to be prescribed; (b) any matter relating to the fees contemplated in sections 22 and 54; (c) any notice required by this Act; (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and (e) any administrative or procedural matter necessary to give effect to the provisions of this Act." 51

5. CATEGORIES OF RECORDS OF ESSENTIAL NUTRIMENTS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1 Records that are publicly available—such as those published on the Essential Nutriments website and included in its annual reports—can be accessed without the need for a formal request.

5.2 Additional non-confidential records, including statutory records filed with the CIPC, are also accessible without a formal application. However, access to these records requires scheduling an appointment with the Information Officer in advance.

6. DESCRIPTION OF THE RECORDS OF ESSENTIAL NUTRIMENTS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Where relevant to its operations, Essential Nutriments retains records and documents in accordance with the legislation listed below. Unless disclosure is restricted by law, regulation, contractual obligation, or other valid grounds, records required to be made available under these Acts will be accessible for inspection by eligible parties, subject to the provisions of the applicable legislation, internal policies, and procedures. Any request for access must be submitted in accordance with the requirements set out in the Act.

Legislation includes the following:

- The Constitution of the Republic of South Africa, 1996
- Consumer Protection Act, 68 of 2008
- Companies Act, 71 of 2008
- Income Tax Act, 58 of 1962
- Protection of Personal Information Act, 4 of 2013
- Basic Conditions of Employment Act, 75 of 1997
- Occupational Health and Safety Act, 85 of 1993
- Employment Equity Act, 55 of 1998
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Unemployment Insurance Act, 30 of 1966
- National Health Act, 61 of 2003
- Health Professions Act, 56 of 1974
- Customs and Excise Act, 91 of 1964
- Value Added Tax Act, 89 of 1991
- Copyright Act, 98 of 1978
- Electronic Communications and Transactions Act, 25 of 2002
- Regulation of Interception of Communications and Provision of Communication-Related Information Act, 70 of 2002

*While we have made every effort to provide a comprehensive list of applicable legislation, it is possible that the list may not be exhaustive. Should it come to our attention that existing or newly enacted legislation provides for access to records outside the provisions of PAIA, the list will be updated accordingly. If a Requester believes they have a right of access under any of the legislation listed—or any other relevant legislation—they must clearly specify the legal basis for the request. This will enable the Information Officer to assess the request appropriately in light of the applicable legal provisions.

7. DESCRIPTION OF THE SUBJECTS ON WHICH ESSENTIAL NUTRIMENTS HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY ESSENTIAL NUTRIMENTS

Subjects on which the body holds records	Categories of records
Patient / Client Records	• Patient/ Client medical information • Patient/ Client contact information • Transactional records with patient / client
Companies Act Records	• All trust deeds; • Documents of Incorporation; • Index of names of Directors; • Memorandum of Incorporation; • Minutes of meetings of the Board of Directors; • Register of debenture-holders; • Register of directors' shareholdings; • Share certificates; • Share Register and other statutory registers and/or records and/or documents; • Special resolutions/Resolutions passed at General and Class meetings; • Records relating to the appointment of: - Auditors; - Directors; - Prescribed Officer. - Public Officer; and - Secretary
Financial Records	• Accounting Records; • Annual Financial Reports; • Annual Financial Statements • Asset Registers; • Bank Statements; • Banking details and bank accounts; • Banking Records; • Debtors / Creditors statements and invoices; • General ledgers and subsidiary ledgers; • General reconciliation;

	• Invoices; • Paid Cheques; • Policies and procedures; • Rental Agreements; • Tax Returns
Income Tax records	• PAYE Records;
Procurement Records	• Standard Terms and Conditions for supply of services and products; • Contractor, client and supplier agreements; • Lists of suppliers, products, services and distribution; • Policies and Procedures.
Marketing	• Advertising and promotional material
Information Technology Records	• Software licensing

* Please note that access to records may be subject to the grounds for refusal outlined in this PAIA manual. Among other considerations, records containing information deemed confidential by a third party will require the third party's consent—along with the fulfilment of standard access requirements—before Essential Nutriment can consider granting access.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

The Entities use the Personal Information under their care in the following ways:

- Performing business operations
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

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

Essential Nutriment may possess records pertaining to contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers, staff and clients.

Categories of Data Subjects	Personal Information that may be processed
Clients - Legal Entities	Full names of contact persons, Name of Legal Entity, Physical and Postal address and contact details of the client, Financial information, Registration Number, Tax-related information, VAT number
Clients: Natural Persons	Full names, contact details, physical and postal addresses, date of birth, ID number, Tax related information, nationality, gender, correspondence of a private/confidential nature, health information
Service Providers	Full name and Registration number of the entity, Physical and Postal addresses, Contact Details, Financial Information, VAT number
Employees	Full names; contact details, physical and postal addresses, date of birth, ID number, Tax related information, nationality, gender, correspondence of a private/confidential nature, Gender, Pregnancy, Marital Status, Race, Age, Language, Education information, Financial Information, Employment History, ID number, Physical and Postal address, Contact details, Opinions, Criminal behaviour, Well-being

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

Essential Nutriments may supply the Personal Information under their care to service providers who render the following services to Essential Nutriments:

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks or other legal purposes	South African Police Services South African Revenue Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Medical records of patients	Third-party organizations providing health-related services Cloud-based services such as data storage, network, email

8.4 Planned transborder flows of personal information

Data is stored on One-Drive and EMD_Technologies programme

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

Essential Nutriments employs the latest technology to ensure the confidentiality, integrity and availability of its information assets which include the Personal Information under its care. These measures include:

- Boundary firewalls and Internet gateways;
- Secure configuration of all devices and software which make up the IT infrastructure;
- Both logical and physical access controls;
- Malware protection; and
- Patch management to keep software up to date.

Service Providers who process Personal Information on behalf of Essential Nutriments are bound by agreement to implement similar information security controls than those employed by Essential Nutriments.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on (www.essnutriments.co.za), if any;

9.1.2 practice address for Essential Nutriments for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. PROCEDURE TO REQUEST ACCESS TO INFORMATION

If you want to obtain access to any of the records listed in this manual, you should follow the procedure as set out below, and a non-refundable request fee of R100.00 + VAT.

- Fill in the application form contained in this manual and send it to us via hand delivery, postal service, or email.
- Hand in your completed application form, and a non-refundable request fee of R100.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you do not have to pay the request fee.
- If you cannot visit our office in person, you can email the form and EFT the fee to us, or you can contact us to make alternative payment arrangements.

Our Response

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will be one of the following:

- Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
- It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
- We have found the record you're looking for, and you may have access to it, on payment of:
 - an access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
 - a reproduction fee for making photocopies or printouts or copying the record onto a stiffy disc or CD - the prescribed fees are set out in this manual

Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

- If your request is for access to your Personal Information in terms of Section 23 of the Protection of Personal Information Act, we will give you a written estimate of the fee before providing the access. We may require you to pay a deposit for all or part of the fee.
- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).

- If we have searched for the record and cannot find it, we will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.
- If we may or must refuse to give you access to part of the requested Personal Information, we will give you access to every other part.

Your Right of Access to Information

Both the Promotion of Access to Information Act and the Protection of Personal Information Act entitle you to have access to our records, if:

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- the Entities do not have grounds for refusing you access.

Our Right to Refuse Access to Information

We have the right to refuse to give you access to our records if any of the following grounds apply:

- the record would unreasonably disclose Personal Information about a natural person, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access);
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access);
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access);
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property;
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection); or
- if the request is for access to your Personal Information, and you could not provide adequate proof of identity to us.

11. PROMOTION OF ACCESS TO INFORMATION ACT

Fees Payable in respect of Private Bodies

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R2,00 for every black and white photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11 (1) are as follows:

For every photocopy of an A4-size page or part thereof	R2,00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R2,00
For a copy in a computer-readable form on - compact disc	R100,00
For a transcription of visual images on an A4-sized page or part thereof	R400,00
For copy of visual images	R60,00
For transcription of an audio record	R500,00 per page or part thereof
For a copy of an audio record	R30,00

To search for and prepare the record for disclosure: R30,00 for each hour or part of an hour reasonably required for such search and preparation

For purposes of section 54(2) of the Act, the following applies:

Six hours as the hours to be exceeded before a deposit is payable; and

One third of the access fee is payable as a deposit by the requestor.

The actual postage is payable when a copy of a record must be posted to a requester.

12. REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY

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

[Regulation 10]

Essential Nutriments Particulars:

563 Leyds St,

Muckleneuk,

PTA,

0002

POBOX 1177,

Newlands,

PTA,

0049

Email: chantelle@essnutriments.co.za

Particulars of person requesting access to the record:

<i>Surname:</i>	
<i>First names:</i>	
<i>Identity number:</i>	
<i>Postal address:</i>	
<i>Fax Number:</i>	
<i>Email Address:</i>	
<i>Capacity in which request is made, when made on behalf of another person:</i>	

Particulars of person on whose behalf request is made

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

<i>Surname:</i>	
<i>First names:</i>	
<i>Identity number:</i>	

Particulars of Record

- 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.
- If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

- A request for access to a record, other than a record containing Personal Information about yourself, will be processed only after a *request fee* has been paid.
- You will be notified of the amount required to be paid as the request fee.
- The *fee payable for access* to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

Mark the appropriate open box with an x:			
1. If the record is in written or printed form:			
	Copy of record*		Inspection of record
2. If the record consists of visual images (including photographs, video recordings, computer-generated images, sketches, slides, etc.):			

	View Images		Copy of Images*		Transcription of Images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	Copy of soundtrack		Transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer-readable format*
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					
				Yes	No

NOTES:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances, in such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

If you qualify for exemption of the payment of any fee, please state the reason for exemption:

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 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?	

Signed at _____ this _____ day of _____ 20 _____

Signature of requestor/person on whose behalf
request is made _____

13. UPDATING OF THE MANUAL

The Director and Information Officer of Essential Nutriments will on a regular basis update this manual.

Issued by

Chantelle van der Merwe

Director