

MESO TRUST

PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”) and the Protection of Personal Information Act, 2013 (Act No 4 of 2013). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and/or held by a private person or entity where such information is required to protect a requester’s rights.

The **Promotion of Access to Information Act (PAIA)** is the South African law that allows access to information held by the state or private persons for protecting rights and the **Protection of Personal Information Act (POPIA)** is the South African law regulating the processing of personal information to protect privacy.

LIST OF USEFUL DEFINITIONS

Claimant	A person making a claim to receive benefits or compensation.
Consent	Explicit permission from an individual for processing their personal data, as required by data protection laws.
Data Subject	The individual whose personal data is processed.
Guide	A guide updated and published by the Information Regulator from time to time containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated under PAIA and relatedly under POPIA.
Information Officer	A designated individual within an organization responsible for managing access to information requests and ensuring compliance with PAIA and POPIA.
Information Regulator	A body responsible for enforcing PAIA and POPIA in South Africa.
Letters of Authority	Official documents issued by a court or authority allowing the administration of a trust.
Operators	Individuals or entities that manage or process information on behalf of an organization, under specific conditions.
Request Form	A form used to request access to records, as per PAIA requirements.
Republic	Republic of South Africa
Requester	<p>An individual or entity that submits a formal request to access records or information held by a public or private body.</p> <p>There are two types of requesters under PAIA. A Personal Requester is a person requesting information specifically about themselves, while a Third-Party Requester is a person requesting information not directly about themselves. Additional permissions or proof of authority are required with these requests to safeguard the personal information rights of the data subject.</p>
Trans-border Flow	The transfer of personal data across international borders, which must comply with data protection laws.

OVERVIEW

The Meso Trust ("MT") is a trust registered is a trust established in terms of the provisions of the Trust Property Control Act, 1988 under Letters of Authority No. IT 162/2024 MN.

This manual serves to inform members of the public of:

- the individuals or data subjects on which we hold records and the categories of records held on each data subject, and the description of the categories of data subjects and of the information or categories of information relating thereto;
- the categories of information we hold, that are available without having to submit a PAIA request
- How to request access to records we hold, and which may, subject to the grounds of refusal authorised in the Act, be disclosed after evaluation of a request for access application being made in terms of the Act
- Records we hold which are available in terms of any other legislation
- Contact details of our Information Officer
- the Guide and how to access it and how to use PAIA.
- Whether we will process personal information and our purpose of processing such personal information
- The recipients or categories of recipients to whom the personal information may be supplied
- Whether or not we planned transfer of personal information outside the Republic
- The description of the security measures we have in place to secure the personal information we process.

AVAILABILITY OF THIS MANUAL

A copy of this manual is available to the Information Regulator and to any person upon request and payment of the reasonable prescribed fee per A4-size photocopy made in terms of Annexure B-

- Via our email address info@mesotrust.co.za
- On request from our Information Office, whose details are set out below.
- On our website: www.mesotrust.co.za

UPDATING OF THE MANUAL

This Manual will be updated from time to time, as and when required, and as legislation or regulations change.

OUR INFORMATION OFFICER

Our Information Officer is:	Brian Duncan Graham Gibson
Postal Address:	Meso Trust, 33 Bahia Village, 1 Avenue, Umdloti, Ethekweni, 4350
Physical Address:	Meso Trust, 33 Bahia Village, 1 Avenue, Umdloti, Ethekweni, 4350
Telephone:	083 253 5988
Email:	Info@MesoTrust.co.za
Website:	www.mesotrust.co.za

HOW TO REQUEST ACCESS TO RECORDS HELD BY MESO TRUST

Requests for access to records held by the us must be made on the request form that are attached to this Manual or available from www.mesotrust.co.za and also attached hereto as Form 2 ("Request Form"), or at the website of the Information Regulator: <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

When a record is requested, the following will apply:

- Fees may be payable as prescribed by the PAIA Regulations.
- The Request Form must be completed by the Requester.
- **On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information and WHY access to the information is required.**
- If the requester is acting on behalf of someone else, the signature of the other person as the one who has authorised the request, must be provided. In order to verify this, the MT may require further proof such as an identify document or may call the person whose information it is to verify that s/he has given permission for the other person to access the information on his/her behalf.
- The requester must state in which format (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the requester will only be able to access the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.
- The Request will be acknowledged.
- An answer will be provided within 30 days, and if not granted, it will state the reasons for the denial with reference to the specific provisions in the Act.

THE GUIDE ISSUED BY THE INFORMATION REGULATOR: HOW THE PROMOTION OF ACCESS TO INFORMATION ACT WORKS

Section 50 of the Act provides that a requester may be provided access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, to access to a record of a private body for the exercise or protection of any rights, other than its rights, it must be acting in the public interest.

Requests under the Act must be made in terms of the procedures prescribed by the Act, at the fee prescribed by the Act.

For further information on the Act and how it works the Information Regulator a Guide amended, updated and made available from time to time by the Information Regulator will be published by the Information Regulator in each official language and braille from time to time. The Guide can be:

- requested from the Information Officer and is available for inspection or copying during normal office hours in the languages it publishes it i;
- obtained from the website of the Information Regulator on <https://inforegulator.org.za/paia-guidelines/>

The Guide contains a description of, among others:

- the objects of PAIA and POPIA;
- the postal and street address, phone and fax number and, if available, electronic mail address of-
 - the Information Officer of every public body, and
 - every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- the assistance available from the Regulator in terms of PAIA and POPIA;

- 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-
 - a complaint to the Regulator; and
 - 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;
- the regulations made in terms of section 92, which provide that the Minister may by Gazette make certain regulations, including matters related to fees.

VOLUNTARY DISCLOSURE

The following information is made known automatically and persons do not have to fill out the request form to request such information:

Category of records	Types of the Record	Available on Website	Available upon request
Trust Information	history, trust deed, trustees, trustees history, operational practices	Yes	Yes
Reports	financial statements, annual reports, commissioned reports	Yes	Yes
Claims-related information	claims criteria, how to claim, forms	Yes	Yes
Medical Evaluations information	standards, guidelines, forms, health care provider lists	Yes	Yes
Frequently asked questions (FAQs)	FAQs about the disease and the claims process	Yes	Yes
Social Projects	objectives, funding principles, approvals procedure, administration, monitoring	Yes	Yes
Media	statements, notices, articles	Yes	Yes
Contacts	national and regional office and partners	Yes	Yes

RECORDS AVAILABLE IN TERMS OF LEGISLATION

Information is available in terms of the following legislation, subject to conditions set by such laws. As legislation changes from time to time, and new laws may stipulate new matters and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

Category of Records	Applicable Legislation
Trust Deed, Letters of Authority	Trust Property Control Act 57 of 1988
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Financial	Income Tax Act 58 of 1962. Labour Relations Act, 1995
VAT invoices	Value Added Tax Act 89 of 1991
Electronic records (emails, agreements, financial records)	Electronic Communications and Transactions Act 25 of 2002
Records as required under the BBBEE Codes	Broad-based Black Economic Empowerment Act 53 of 2003
POPI Gap Analysis, POPI Framework/Policy, consents to processing, Data retention, archiving and destruction policy	Protection of Personal Information Act 4 of 2013
Registrations and compliance records	Health Professions Act 56 of 1974
Registrations and compliance records	Nursing Act 33 of 2005

DESCRIPTION OF THE SUBJECTS ON WHICH MESO TRUST HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE MESO TRUST

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records**, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Subjects on which the body holds records	Categories of records
Internal records relating to our business as a trust	our founding and other documents (e.g. trust deed), minutes and policies; annual and other reports; financial records; claim records; reimbursement records; operational records, policies and procedures; contracts; licences, logo and other intellectual property; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; etc.
Claimant records	claimant details; dependant details; executor of estate details; banking information; work history; medical history; consents; medical prescriptions; and similar / related information <i>It must be noted that, in the health sector, personal-, health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.</i>

Subjects on which the body holds records	Categories of records
Supplier, vendor and service provider records	Supplier details; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service- and other contacts
Statutory Professional Councils	Records kept by Operator.
Third party information	which may be in our possession, but which would be subject to the conditions set in relation to such possession and use or purpose limitations.
Occupational compensation trust sector	information bought; publicly available information; commissioned information which pertains to the specific sector and beneficiaries of the Trust factors that affect the Trust.

CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION AND CATEGORIES OF PERSONAL INFORMATION SUPPLIED TO OTHERS

We may share relevant personal and health information with our Operators, i.e. those who manage parts of our business on our behalf, and may have to supply personal information to entities authorised to receive, request and process such information:

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
Claimant/patient/next of kin details, medical records, healthcare provider details	NIOH (National Institute of Occupational Health), MBOD Medical Bureau for Occupational Diseases), SAHPRA (for medicines and medical device vigilance), and for healthcare professionals: HPCSA, SAPC, SANC
For CPD and training accreditation purposes	HPCSA, SAPC, SANC
Adverse event reports, quality complaints	SAHPRA
Invoices	Receiver of Revenue; Finance Administrator at ART; Trustees

PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

In cases of claimants from other countries, any incoming data from claimants are secured as per the usual practice in the Johannesburg office and any outgoing data are communicated to the Receiver of Revenue and the applicable bankers, because this is the only way we can action awards to the claimants from other countries.

PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

The purpose of processing the information contained in the records listed above, is:

In relation to **the business/internal records**: For good corporate governance and to comply with business-, financial-, trust- and tax legislation.

In relation to our Claimants for retention of records as required by law and to provide financial and health records and facilitate the award of benefits, should claimants qualify.

In relation to **Suppliers, Vendors and Service Providers**: for record retention as legislated and for the execution of the supplier- and service level agreements.

GENERAL DESCRIPTION THE SUITABILITY OF THE INFORMATION SECURITY MEASURES IMPLEMENTED OR TO BE IMPLEMENTED

To foster compliance with POPIA, the Meso Trust fosters regular meetings between the Chair and its operational consultants in Cape Town, which inter-alia discuss and communicate aspects of data security and respect for our clients. All involved have undergone compliance training, and the regular communication promotes a culture of understanding, ensuring that adherence to privacy, confidentiality, and respect is standard practice. Data minimization, strict access controls, and robust security measures are fundamental to our operations. This approach builds trust and strengthens our data protection efforts.

We work to avoid behaviours and practices that could place records at risk and persistently work keeping electronic information secure.

Cape Town Medical and Administration office
<p>The office space is rented.</p> <p>When not occupied, the office is locked and has cameras covering all entrances to the complex and entrance.</p> <p>All data are digital, are the digital information is kept on computers with backup using One Drive.</p> <p>Physical data kept on site may be A4 print-outs used for temporary working purposes, but once used, are kept in a dedicated storage container for later pulping and safe disposal.</p> <p>The medical office has access to MesoApp, which data are securely stored and transmitted.</p> <p>The office has windows which can open, all of which are burglar guarded. A single secure door allows ingress and egress and is locked plus an exterior Trellidor which is locked outside of office hours.</p> <p>The office is one of a complex of four apartments, the others being residential.</p> <p>The office is solely occupied by Dr JM te Water Naude Incorporated.</p> <p>Each of the two staff members has access keys and a remote, a spare of which is kept securely by Dr te Water Naude.</p> <p><u>Data in transit - In and Out</u></p> <p>All data are transmitted digitally, sent by email, WhatsApp or by the POPIA-compliant WeTransfer protocol.</p>

IT standards and protocol apply to all three offices and to MesoApp

Claim-related records are archived in accordance with legislative prescripts relating to occupational diseases and injuries, and such archiving facility is secure in that the main data are stored in MesoApp.

Retention, Archiving and Destruction Policy.

Retention and destruction is managed in terms of the MT's Document Retention and Destruction Policy as contained in the document of that name.

PREScribed FEES

The following applies the request other than personal requests:

- The requestor is required to pay the prescribed request fee of R140 before the request will be considered.
- A requestor will be notified if the search and the preparation of the record requested in the opinion of our Information Officer requires more than the prescribed 6 (six) hours, and a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.
- that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee or the tender or payment of a deposit, as the case may be.
- Records may be withheld until fees have been paid.
- Prescribed fees will be charged for reproduction of an automatically or voluntarily available record.
- The latest fee structure is available on the website of the Information Regulator and attached hereto as **Annexure B**.

OUTCOME OF REQUEST AND COMPLAINTS

- If the Requester is not satisfied, s/he may lodge a complaint to the Information Regulator in terms of the prescribed form or an application with a court within 30 days after the full or partial denial of access to the records.
- Note that the principle of severability may apply, i.e. information that are protected from disclosure (e.g. third party confidential information, business financial information, etc.) may be redacted or removed from the copy of the record.

This manual is signed by Mr Brian Duncan Graham Gibson on _____

day

month

year

Signature: Information Officer

FORM 2
REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
Meso Trust IT 162/2024

33 Bahia Village, 1 Avenue, Umdloti, Ethekeweni, 4350

E-mail address: info@mesotrust.co.za

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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 page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p>TYPE OF RECORD</p> <p><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
c)	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.
d)	If you qualify for exemption of the payment of any fee, please state the reason for exemption
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ **this** _____ **day of** _____ **20** _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name and Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

Annexure B: Fees

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on Flash drive A new unopened drive still untouched in its original packaging is to be provided by requestor. We do not have the facilities to provide DVDs nor CDs	R40.00 -
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on Flash Drive A new unopened drive still untouched in its original packaging is to be provided by requestor. We do not have the facilities to provide DVDs nor CDs	R40.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of:	R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.