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# PAIA MANUAL

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## SA BIOMEDICAL GROUP Manual in Terms of Section 51 of the Promotion of Access to Information Act, 2000

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## 1. PURPOSE OF THE PAIA MANUAL

This manual extends to the information held by the SA Biomedical Group and is compiled in accordance with Section 51 of the PAIA Act.

This PAIA Manual is useful for the public to -

- 1.1. Check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
- 1.2. 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.
- 1.3. Know the description of the records of the body which are available in accordance with any other legislation.
- 1.4. 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.
- 1.5. Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 1.6. 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.
- 1.7. Know the description of the categories of data subjects and of the information or categories of information relating thereto.
- 1.8. Know the recipients or categories of recipients to whom the personal information may be supplied.
- 1.9. 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.
- 1.10. Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## 2. ACRONYMS AND ABBREVIATIONS

CEO	Chief Executive Officer
DIO	Deputy Information Officer
IO	Information Officer
PAIA	Promotion of Access to Information Act No. 2 of 2000
POPIA	Protection of Personal Information Act No.4 of 2013
Regulator	Information Regulator
SAB	SA Biomedical Group of Companies, which includes –
	<ul style="list-style-type: none"> <li>• Arthromedix (Pty) Ltd</li> <li>• Advanced Orthopaedics (Pty) Ltd</li> <li>• Neospine (Pty) Ltd</li> <li>• Prime Surgical (Pty) Ltd</li> <li>• SA Biomedical (Pty) Ltd</li> </ul>

### 3. KEY CONTACT DETAILS

#### 3.1. Information Officer (IO)

Chief Executive Officer:	Mr. John Bisset
Postal Address:	PO Box 7371, Roggebaai, 8012
Physical Address:	20 & 22 Golf Course Road, Rondebosch, 7700 ( Head Office)
Telephone Number:	+27 21 697 9600
Fax Number:	+27 86 580 5881
Email Address:	jbisset@sabiomedical.co.za

#### 3.2. Deputy Information Officer (DIO)

Group Compliance Officer:	Ms. Alwi Spearpoint
Postal Address:	PO Box 1929, Kelvin, 2054
Physical Address:	Unit A, 1 Avalon Road, Westlake View, Modderfontein, 1609
Telephone Number:	+27 11 531 5000
Fax Number:	+27 86 626 8711
Email Address:	aspearpoint@sabiomedical.co.za

#### 3.3. Access to Information General Contacts

Email Address:	compliance@sabiomedical.co.za
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### 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

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 , 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. The Guide is available in each of the official languages and in braille. The Guide can be obtained upon request to the Information Officer, or from the website of the Regulator (<https://info regulator.org.za/paia-guidelines/>).

### 5. TYPES OF RECORDS THAT MAY BE ACCESSED

Section 50 of the PAIA Act stipulates that 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 right
- b) that person complies with the procedural requirements in the Act relating to a request for access to that record
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act

The accessibility of the documents may be subject to grounds for refusal as set out in Part 10 of this manual.

#### 5.1. Records are broadly classified as follows -

##### 5.1.1. <sup>1</sup>Personnel Records

- Personal records provided by personnel

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<sup>1</sup>“Personnel” refers to any person who works for SAB or provides services to, or on behalf of, the SA Biomedical Group, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the SA Biomedical Group. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Records provided by a third party relating to personnel
- Conditions of employment and other personnel-related contractual and quasi legal records
- Internal evaluation records and other internal records
- Correspondence relating to personnel
- Training schedules and material

5.1.2. <sup>2</sup>Customer Related Records

- Records provided by a customer to the SA Biomedical Group
- Records provided to a third party acting for or on behalf of the SA Biomedical Group
- Records provided by a third party
- Records generated by or within the SA Biomedical Group relating to its customers
- Records provided by a third party and the SA Biomedical Group is legally required to retain such records.

5.1.3. Private Body Records

These records include, but are not limited to, the records that pertain to the SA Biomedical Group's own affairs:

- Financial records
- Operational records
- Databases
- Information Technology
- Internal correspondence
- Administrative records
- Product records
- Internal Policies and Procedures
- Treasury related records
- Statutory Records
- Human Resource records

5.1.4. Other Party Records

The SA Biomedical Group may possess records pertaining to other parties including, but not limited to, contractors, suppliers and service providers; such other parties may possess records that can be said to belong to the SA Biomedical Group –

- Personnel, customer or private body records which are held by another party, as opposed to the records held by the SA Biomedical Group itself
- Records held the SA Biomedical Group pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party and records third parties have provided about contractors or suppliers.

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<sup>2</sup> "Customer" refers to any natural or juristic entity that receives services from the SA Biomedical Group.

## 6. PROCESSING OF PERSONAL INFORMATION

### 6.1. Purpose of Processing Personal Information

#### 6.1.1. Employees

- Legitimate business purpose
  - Employee data for the purpose of verifying details at the time of recruitment
  - Employee data for the purpose processing remuneration

#### 6.1.2. Contractors and Service Providers

- Legitimate business purpose
  - Data for the purpose of verifying organization or personal details at the time of engagement
  - Data for the purpose of processing remuneration

#### 6.1.3. Patients and Customers

- Legitimate business purpose
  - Delivery and billing accuracy for order theatre booking and order fulfilment, including matching purposes.
- Legal and regulatory purpose
  - Regulatory requirement to maintain post-market vigilance and traceability of product to end-user for the duration of the lifespan of the product

### 6.2. Information Security Measures

To ensure the confidentiality, integrity and availability of information, the SA Biomedical Group complies with the conditions of lawful processing of information and applies various measures including, but not limited to, the following –

- |                                |   |
|--------------------------------|---|
| 6.2.1. Legislative Measures:   | Information Officer and Deputy Information Officer appointed.   |
| 6.2.2. Policies & Procedures:  | Procedures are implemented to ensure awareness, training and correct management of data strictly for the required purpose and access limited and monitored via employee roles and responsibilities.                             |
| 6.2.3. Information Technology: | Safeguards implemented to ensure restricted access control, ongoing system monitoring, review and regular system updates, implementation of anti-virus and anti-malware software and secure data protection and backup systems. |

## 7. ACCESS TO RECORDS HELD BY SA BIOMEDICAL GROUP

Records held by the SA Biomedical Group may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of the SA Biomedical Group.

### 7.1. Two types of requesters have been identified:

#### 7.1.1. Personal Requester

- A requester who is seeking access to a record containing personal information about the requester

The company reserves the right to change the policy as may be needed from time to time

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- The SA Biomedical Group will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

#### 7.1.2. Other Requester

- This requester (other than a personal requester) is entitled to request access to information on third parties. However, the SA Biomedical Group is not obliged to voluntarily grant access.
- The requester must fulfil the procedural requirements for access in terms of the PAIA Act, including the payment of the request and access fee.

## 8. REQUEST PROCEDURE

The Information Officer (IO) or Deputy Information Officer (DIO), upon receiving a PAIA request, will coordinate the internal procedure.

### 8.1. Internal Procedure

- 8.1.1. A requestor shall submit a request on the Prescribed Form (refer [Annexure B](#) in this manual), to the Information Officer or Deputy Information Officer at the postal or physical address or electronic email address recorded in Section 3 of this manual and pay a request fee and a deposit, if applicable (refer Section 12 and [Annexure A](#) in this manual).

*If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally, directly to the Information Officer or Deputy Information Officer. The requester must pay the prescribed fee before any further processing can take place.*

- 8.1.2. The Prescribed Form shall be completed comprehensively to at least enable the Information Officer or Deputy Information Officer to identify –

- the record or records requested
- the identity number of the requester
- the form of access required if the request is granted
- the postal address or electronic mail address of the requester
- that the requestor requires the information in order to exercise or protect a right
- the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right

- 8.1.3. Receipt of the request will be acknowledged by the Information Officer or Deputy Information Officer within 14 working days.

- 8.1.4. The request will be reviewed to determine whether access to the record(s) requested can be granted under PAIA. Liaison with the requester may take place if more details are needed, if fees are payable or when an extension of time to deal with the request is needed.

## 9. DECISION

The Information Officer or Deputy Information Officer will liaise with the requestor within 30 days (60 days in certain circumstances) to inform the requestor, in writing, whether the request has been granted or refused.

*The 30-day period may be extended for a further period if the request is for a large volume of information or the request requires a search for information and the information cannot reasonably be obtained within the original 30-day period. The Information Officer or Deputy Information Officer will notify the requester in writing should an extension be required.*

If the request is granted, access to records will be granted in the format requested or in the format that the records exist if the requested format is not available.

## 10. GROUNDS FOR REFUSAL TO ACCESS RECORDS

Section 9 of the Act recognises that the right of access to information cannot be unlimited and should be subject to justifiable limitations. The SA Biomedical Group may refuse a request for information. The basis on which a request for information may be refused are as follows:

### 10.1. Mandatory protection of privacy of a third party who is a natural person

- A request for access to a record may be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual

### 10.2. Mandatory protection of commercial information of a third party

A request may be refused if the record contains –

- Trade secrets of a third party
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected –
  - to put that third party at a disadvantage in contractual or other negotiations
  - to prejudice that third party in commercial competition

### 10.3. Mandatory protection of certain confidential information of a third party

A request for access to a record may be refused if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement

### 10.4. Mandatory protection of safety of individuals and protection of property

A request for access to a record may be refused –

- If its disclosure could reasonably be expected to endanger the life or physical safety of an individual
- If its disclosure would be likely to prejudice or impair –
  - the security of –
    - a building, structure or system, including but not limited to, a computer or communication systems
    - a means of transport
    - any other property
  - methods, systems, plans or procedures for the protection of –
    - an individual in accordance with a witness protection scheme
    - the safety of the public or any part of the public
    - the security of property

### 10.5. Mandatory protection of records privileged from production in legal proceedings

The company reserves the right to change the policy as may be needed from time to time

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A request for access to a record may be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

#### 10.6. Commercial information of private body

A request for access to a record may be refused if the record –

- Contains trade secrets of a private body
- Contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body
- Contains information, the disclosure of which could reasonably be expected -
  - to put the private body at a disadvantage in contractual or other negotiations
  - to prejudice the body in commercial competition
- Is a computer program, as defined in section 1(1) of the Copyright Act 98 of 1978 as amended, owned by the private body, except as far as it is required to give access to a record to which access is granted in terms of this Act

#### 10.7. Mandatory protection of research information of third party, and protection of research information of private body

A request for access to a record may be refused if the record –

- Contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose –
  - the third party
  - a person that is or will be carrying out the research on behalf of the third party
  - the subject matter of the research, to serious disadvantage
- Contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose –
  - the private body
  - a person that is or will be carrying out the research on behalf of the private body
  - the subject matter of the research, to serious disadvantage

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

## 11. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REFUSED

The decision made by the SA Biomedical Group is final. Requesters who are dissatisfied with a decision has the right to exercise external remedies at their disposal.

A requester or a third party who is dissatisfied with a refusal to disclose information or the disclosed information, may within 30 days of notification of the decision apply to the Constitutional Court, the High Court or another court of similar status for relief.

## 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

The company reserves the right to change the policy as may be needed from time to time

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When the request is received by the SA Biomedical Group, the Information Officer or Deputy Information Officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request (refer [Annexure A](#)).

The Information Officer or Deputy Information Officer will withhold a record until the requester has paid the fees as indicated.

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

If a deposit was paid in respect of a request for access which was refused, the full deposit will be returned to the requester by the SA Biomedical Group.

**ANNEXURE A: Schedule of Fees - Private Bodies**

	<b>Type of Record</b>	<b>Amount</b>
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: <ul style="list-style-type: none"> <li>• Flash drive (to be provided by requestor)</li> <li>• Compact disk <ul style="list-style-type: none"> <li>○ If provided by requestor</li> <li>○ If provided to the requestor</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Outsourced service; Will depend on quotation from service provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00 Per page or part thereof
8.	Copy of an audio record on: <ul style="list-style-type: none"> <li>• Flash drive (to be provided by requestor)</li> <li>• Compact disk <ul style="list-style-type: none"> <li>○ If provided by requestor</li> <li>○ If provided to the requestor</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
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. To not exceed a total cost of	R145.00 R435.00
10.	Deposit if search exceeds 6 hours	One third of amount per request calculated in terms of items 2 and 8.
11.	Postage, e-mail or any other electronic	Actual expense (if any)

## ANNEXURE B: Form 2 – Request for Access to Record

A pdf of Form 2 can be downloaded from the Information Regulator’s website [here](#)

### 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


(Address)

E-mail address:

Fax number:

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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

*Request for Access to Record - Page 1 of 4*

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<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			
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>			
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			

*Request for Access to Record - Page 2 of 4*

<b>FORM OF ACCESS</b> <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	

<b>MANNER OF ACCESS</b> <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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<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	

*Request for Access to Record - Page 3 of 4*

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

*Signature of Requester / person on whose behalf request is made*

-----  
**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_

*Signature of Information Officer*

*Request for Access to Record - Page 4 of 4*

## ANNEXURE C: Form 3 – Outcome of Request and Fees Payable

### OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number:

TO:

Your request dated , refers.

**1. You requested:**

Personal inspection of information 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> ) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

**2. You requested:**

Printed copies of the information ( <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 information on flash drive ( <i>including virtual images and soundtracks</i> )	
Copy of information on compact disc drive ( <i>including virtual images and soundtracks</i> )	
Copy of record saved on cloud storage server	

**3. To be submitted:**

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> )	

Kindly note that your request has been:

Approved

Denied, for the following reasons:



**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes  No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 Information officer