doctors

BÖHMER • PIENAAR • WARREN

& associates (SWART • MONTGOMERY • LOUW)

PR NO: 1483153

PROMOTION OF ACCESS TO INFORMATION ACT
SECTION 51 MANUAL OF DR BöHMER, PIENAAR, WARREN & ASS

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"). 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 rights.

OVERVIEW

DR BöHMER, PIENAAR, WARREN & ASS is a practice in the field of General Practice. We work in the health sector and are healthcare professionals registered under the Health Professions Act of 1974, and are subject to the rules and regulations of the Health Professions Council of SA (HPCSA).

This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

AVAILABILITY OF THIS MANUAL

A copy of this manual is available -

- At our reception desk at our office / offices at 54 Old Main Road, Hillcrest
- On request from our Information Officer, details below.
- On our website: www.hillcrestmedicalcentre.co.za.
- From the South African Human Rights Commission ("SAHRC") or once the Protection of Personal Information Act, 2013 ("POPI Act") comes into effect, from the Information Regulator: https://www.justice.gov.za/inforeg/index.html

This Manual will be updated from time to time, as and when required.

OUR INFORMATION OFFICER

Our Information Officer is: **Dr PF Warren 031-7653388 bbincadmin@iafrica.com**

HOW TO REQUEST ACCESS TO RECORDS HELD BY BÖHMER, PIENAAR, WARREN & ASS

Requests for access to records held by DR BöHMER, PIENAAR, WARREN & ASS must be made on the request form that are attached to this Manual or available from our website or rooms, or from: https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf, attached as **Annexure A, ("Request Form").**

When a record is requested, the following will apply:

- Fees may be payable as prescribed by law.
- 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 practice 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.

All requests will be evaluated against the provisions of the Act. The Information Officer may refuse access on grounds stipulated in the Act. One can, for example, not access another person's confidential information, or trade- or commercial secrets of a business. **An answer on a request for information must be provided within 30 days of the request, and if not granted and the requester is not satisfied, s/he can approach the courts within 30 days.**

HOW THE PROTECTION OF PERSONAL INFORMATION ACT WORKS

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, the public body must be acting in the interest of the public.

Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided. The forms and tariff are dealt with under section 53 and 54 of the Act.

More information on how the Act works and all other information including the Section 10 Guide can be obtained from the South African Human Rights Commission at:

The South African Human Rights Commission ("SAHRC")

Postal Address:	Private Bag 2700, Houghton, 20141
Telephone Number:	+27 11 877 3600
Fax number:	+27 11 403 0625
Website:	www.sahrc.org.za

There are also provincial SAHRC offices in all provinces.

VOLUNTARY DISCLOSURE

The following information is made known automatically,price lists, terms and conditions forms, brochures, leaflets, etc and persons do not have to fill out a form to request such information.

RECORDS AVAILABLE IN TERMS OF OTHER 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.

Business legislation (including all regulations issued in terms of such legislation):
The Companies Act 71 of 2008; Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Disease Act 130 of 1993; Occupational Health and Safety Act of 85 of 1993; Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Long-term Insurance Act 52 of 1998; Protection of Personal Information Act 4 of 2013; etc.

Health legislation (including all regulations issued in terms of such legislation): *(This legislation is of extreme relevance in the health sector and Requesters should familiarise themselves with it.*

The National Health Act 61 of 2003; Medical Schemes Act 121 of 1998; Medicines and Related Substances Act 101 of 1965; Children's Act 38 of 2005; Mental Healthcare Act 17 of 2002; Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; Health Professions Act 56 of 1974; etc.

RECORDS HELD BY BöHMER, PIENAAR, WARREN & ASS AND RELATED CATEGORIES OF DATA SUBJECTS

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.

Internal records relating to our business, which includes our business's founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; etc.

Personnel records, which includes records of temporary/fixed term/part-time/permanent employees, locums, associates, contractors, partners, directors (executive and non-executive). Records include personal files, records third parties have provided to us about their / our staff; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related correspondence.

Client/patient records, which includes client/patient lists; health records; medical reports; funding records; agreements; consents; needs assessments; financial and accounts information; research information; evaluation records; profiling; and similar information. ***It must be noted that, in the health sector, personal and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.***

Supplier and service provider records, which includes supplier registrations; 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.

Technical records, which includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professional council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

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.

Environment and market information, which include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our business and factors that affect the business, professional and healthcare environment.

CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION

We may, as authorised by the National Health Act, share relevant personal and health information with the hospitals we work in, with other service providers who are involved in your care and where such sharing is in your best interest and to medical schemes, where applicable. We also have to, by law, report adverse events of products (medicines / devices) to the SA Health Products Regulatory Authority and the company whose products it is.

PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Practice does not have any planned trans-border flow of personal information.

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 and tax legislation.
- In relation to **Employees**: for retention of employment records as legislated and execution of employer/employee agreements and labour legislation.
- In relation to **Patients**: for retention of records as required by law and to provide healthcare services, to access health products (prescriptions and products orders) and for the collection of fees for the services so provided. Where the Practice participates in Registries or other databases, the specific consents signed by patients to have their information included, will disclose the purpose of such databased.
- In relation to **Suppliers and Service Providers**: for record retention as legislated and for the execution of the supplier- and service level agreements.

THE SUITABILITY OF THE INFORMATION SECURITY MEASURES

The business store information electronically and physically as follows:

- Physical records are kept in lockable cabinets at the business. Sixteen people have keys to the office(s) of the practice. There is an alarm system.
- Electronic records are kept on office computers which are password protected, with software regularly updated to protect against hacking, unauthorised access, tampering and the likes, and staff are trained to avoid practices that could place records at risk and on good practices that would keep electronic information reasonably secure.
- Records are archived annually and such archiving facility is secure.

PRESCRIBED FEES

The following applies to the requests other than personal requests:

- The requestor is required to pay the prescribed fee of R50 before the request will be processed.
- If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.
- The requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until fees have been paid.
- The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za and attached hereto as **Annexure B.**

This manual is signed by Dr PF Warren on 13th day of September 2021



Signature: Information Officer

ANNEXURE A:

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

(a) *The particulars of the person who requests access to the record must be given below.*
(b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. 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.

Full names and surname:

Identity number:

D. Particulars of record

(a) *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.*
(b) *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.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

(a) *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.*
(b) *You will be notified of the amount required to be paid as the request fee.*
(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 for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) 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.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1.
If the record is in written or printed form:

	copy of record*		inspection of record

2.
If record consists of visual images
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

	view the images		copy of the images*		transcription of the images*

3.
If record consists of recorded words or information which can be reproduced in sound:

	listen to the soundtrack (audio cassette)		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 form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or	YES	NO

transcription to be posted to you?
Postage is payable.

G. Particulars of right to be exercised or protected

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.***

1. Indicate which right is to be exercised or protected:

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

H. 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 on this day of 2 .

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B:

FEES IN RESPECT OF RECORDS REQUESTED FROM PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (*c*) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

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(*a*) For every photocopy of an A4-size page or part thereof	1,10
(*b*) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(*c*) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(*d*) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(*e*) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.