



Information Manual

for

Drs. Van Niekerk, Meier and Ass. Inc.

in terms of

Section 51

of the

Promotion of Access to Information Act 2 of 2000

and

Section 17

of the

Protection of Personal Information Act 4 of 2013

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1. INTRODUCTION TO THE PRACTICE

This is a private medical practice, which is conducted in accordance with the requirements of the Health Professions Act 56 of 1974 and is subject to the authority of the Health Professions Council of South Africa (HPCSA). The practitioners practising at the practice are registered at the HPCSA and provide medical services within the scope and ambit of their registration, competence and training at the practice. The practitioners are bound by the Ethical Rules issued by the HPCSA, most notably the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

2. CONTACT DETAILS

Practice Name: Drs. Van Niekerk, Meier and Ass. Inc.
 Registration Number: 2007/010945/21
 Head of the Practice: Dr. Gerhard van Niekerk
 Information Officer: Group Operations Executive – Primary Care
 Physical Address: Southdowns Centre, cnr .John Vorster & Nelmapius Roads, Irene
 Postal Address: PO Box 314, Irene, 0062
 Telephone Number: (012) 685 5500
 Fax Number: (012) 685 5501
 E-mail address: irene@intercare.co.za
 Website address: www.intercare.co.za

Information Regulator
 Physical Address: SALU Building, 316 Thabo Sehume Street, Pretoria
 Telephone Number: (012) 406 4818
 Fax Number: 086 500 3351
 E-mail address: infoereg@justice.gov.za

3. THE GUIDE OF THE SA HUMAN RIGHTS COMMISSION

The SA Human Rights Commission (SAHRC) has, in terms of section 10 of the Promotion of Access to Information Act 2 of 2000 (PAIA), developed a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. This Guide contains amongst others the following information:

- The purpose of PAIA;
- The manner, form and costs of a request for access to information held by a body;
- Assistance available from Information Officers and the SAHRC;
- Legal remedies when access to information is denied;
- When access to information may be denied; and
- The contact details of Information Officers in the National, Provincial and Local Government.

The Guide is available on the SAHRC's website at www.sahrc.org.za. Copies of the Guide can also be obtained at all the SAHRC's provincial offices of which the contact details are included in the Guide. Enquiries regarding the Guide can be addressed to the SAHRC of which the contact details are as follows:

Postal Address: Private Bag X2700, Houghton, 2041
 Telephone Number: 011 877 3803 / 3600
 Fax Number: 011 403 0625
 E-mail: lidlamini@sahrc.org.za

4. RECORDS

The practice holds the following categories of records:

CATEGORIES OF RECORDS	DOCUMENT TYPE
Records relating to the form of practice and related matters	Documents pertaining to an incorporated company as required by the Companies Act 71 of 2008, including, but not limited to the prescribed certificates, memorandum and articles of association, forms and registers of directors and shareholders, company rules, minute books, resolutions and shareholders' agreements; Practice code number and related records
Records relating to the registration of practitioners working at the practice	Registration certificates at the HPCSA and related documents; Proof of payment of registration and annual fees to the HPCSA
Employment records	Employment contracts; Conditions of employment and work place policies such as leave policies; Employment equity and skills development plans and reports; Salary register; Documents related to disciplinary proceedings, arbitration awards, CCMA (Commission for Conciliation, Mediation and Arbitration) and other legal cases; Expense accounts; Relevant tax records and information pertaining to employees; <i>Locum</i> contracts and related documents and records; Contracted staff lists
Financial records	Annual Financial Statements, including directors' reports; auditor's reports; Accounting Records; Bank statements; Invoices, statements, receipts and related documents
Tax and VAT records	Copies of tax returns and documents relating to income tax and VAT, including payments made and VAT registration
Patient records	Records are kept in respect of all patients consulted at the practice, which include their medical history, treatment and relevant financial arrangements
Health and safety records	Evacuation plan; Information related to the Health and Safety Committee / Officer; Health and safety incident reports
Records related to property (movable and immovable)	Finance and lease agreements; Asset register; Debenture register; Registers and records kept in terms of the Medicines and Related Substances Act 101 of 1965; Stock sheets; Delivery notes and orders; Sale agreements; Purchase agreements
Other Agreements	Managed care and medical scheme agreements; Information Technology (IT) agreements (software and hardware); Agreements concerning provision of services or materials; Agreements with contractors and suppliers; Clinical trial agreements
Records relating to legal processes	Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; Settlement agreements; Legal opinions/advice
Insurance records	Insurance policies, including professional indemnity insurance, group personal accident and group life insurance policies and related records; Claims records

5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The practice is required to hold certain records in terms of the following legislation:

1. Basic Conditions of Employment Act 75 of 1997;
2. Children's Act 38 of 2005;
3. Companies Act 71 of 2008;
4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
5. Consumer Protection Act 68 of 2008;
6. Electronic Communications and Transactions Act 25 of 2002;
7. Employment Equity Act 55 of 1998;
8. Health Professions Act 56 of 1974;
9. Income Tax Act 58 of 1962;
10. Labour Relations Act 66 of 1995;
11. Medical Schemes Act 131 of 1998;
12. Medicines and Related Substances Act 101 of 1965;
13. Mental Health Care Act 17 of 2002;
14. National Health Act 61 of 2003;
15. Occupational Health and Safety Act 85 of 1993;
16. Promotion of Access to Information Act 2 of 2000;
17. Protection of Personal Information Act 4 of 2013;
18. Road Accident Fund Act 56 of 1996;
19. Skills Development Levies Act 9 of 1999;
20. Skills Development Act 97 of 1998;
21. Unemployment Contributions Act 4 of 2002;
22. Unemployment Insurance Act 63 of 2001; and
23. Value Added Tax Act 89 of 1991.

6. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the practice is automatically available without having to request access in terms of PAIA.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

The practice processes personal information of data subjects for the following purposes:

1. Conducting of a private medical practice in terms of the law, including the administration of the practice and claiming payment for services rendered to patients;
2. Treatment and care of patients;
3. Employment and related matters of staff and other practitioners; and
4. Reporting to persons and bodies as required and authorised in terms of the law or by the data subjects.

8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION

The practice holds the categories of records and personal information in respect of the categories of data subjects specified below. The potential recipients of the personal information processed by the practice are also specified. Information and records are only disclosed as may be required in terms of the law or otherwise with the consent of the relevant data subjects.

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
Directors, shareholders and employees	Proof of registration at and payment of fees to the HPCSA; Employment/ <i>locum</i> contracts, records and policies; Insurance policies; Complaints; Disciplinary and court proceedings; Employment equity and skills development plans and records; Salary and payroll records; Leave records; Tax records, including PAYE, UIF (Unemployment Insurance Fund) and SDL (Skills Development Levies) returns and related records; Correspondence with the HPCSA, insurers and other persons / bodies; Medical certificates; Continuing Professional Development (CPD) events, certificates and records	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; Race; Gender; Nationality; Qualifications; HPCSA registration numbers; Registered profession; Category of registration; Employment history and information; Position held; Banking details; Relevant medical history; Criminal behaviour and history; Correspondence; Notes, reports and records created by these data subjects in respect of patients; Tax numbers, returns and certificates; Leave periods; Medical certificates; Remuneration; Employment benefits; Absenteeism information; Next-of-kin details	SA Revenue Services (SARS); Relevant statutory bodies such as the HPCSA and Council for Medical Schemes (CMS); Board of Healthcare Funders of SA (BHF); Companies and Intellectual Property Commission (CIPC); Medical schemes; Contractors and vendors; Patients; Relevant public bodies, including government departments, e.g. Compensation Commissioner, Road Accident Fund (RAF), UIF, Department of Labour; Banks; Professional societies; Vetting agencies (e.g. of qualifications); Hospitals
Other contractors, vendors and suppliers, e.g. BHF, IT vendors, claims switching companies, auditors, legal counsel, consultants, debt collectors	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt Collection Agreements; Legal opinions and advice; Invoices; Correspondence	Names and surnames; Company names; Relevant staff details; Contact details e.g. address, telephone and fax numbers, e-mail addresses, website addresses; Opinions; Correspondence; Track records; Price structures; Financial arrangements	Banks; Auditors; Legal practitioners; Medical schemes
Insurers	Insurance policies; Payment of premiums; Claims' records and related documents	Names and contact details e.g. addresses, telephone and fax numbers, e-mail addresses; Premiums	Auditors; Legal practitioners; Relevant public bodies
Public Bodies (e.g. Department of Health, RAF, Compensation Commissioner, UIF) and Statutory Bodies (e.g. HPCSA, CMS)	Complaints submitted to the relevant statutory bodies and related documents; Correspondence; Newsletters and circulars issued by these bodies and councils; Payment of fees	Names; Contact details e.g. addresses, telephone and fax numbers, e-mail addresses; Office bearers; Fee structures	Medical schemes; Patients
Medical Schemes / Insurance Companies	Claims; Remittance advices; Contracts; Correspondence; Scheme rules; Policy provisions	Contact details e.g. addresses, telephone and fax numbers, e-mail addresses	Patients; Debt collectors

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
Patients	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; Race; Gender; Nationality; Employers and their contact details; Medical schemes, medical scheme options and dependant status; Name, surname and contact details of a relative / friend; Medical history, including details about injuries sustained; Fees charged, payments received and payment history; Diagnosis / suspected diagnosis; Procedures performed; Treatment administered; Diagnosis and procedure codes; Referral letters to other health care practitioners / hospitals containing relevant information; Reports from other practitioners, including X-rays, scans, sonars, pathology results and related reports; Complaints lodged; Correspondence; Patient information forms; Consent forms; Prescriptions; Medical certificates	Medical schemes; Medical scheme administrators; Managed care organisations; Insurers; Employers; Debt collectors; Practitioners to whom patients are referred; Credit lists (Blacklists); Bodies performing peer review; Statutory / Governmental bodies e.g. HPCSA when responding to complaints, Compensation Commissioner, RAF; Hospitals; Other relevant treating health care practitioners; Next-of-kin
Practitioners referring patients to the practice or to whom patients are referred by the practice	Referral notes; Reports from health care practitioners involved in the care of the patients; Correspondence	Names and Surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses and practice code numbers of practitioners	Medical schemes; Managed care organisations; Governmental bodies e.g. HPCSA when responding to complaints, Compensation Commissioner, RAF; Hospitals; Bodies performing peer review
Hospitals	Correspondence	Names; Contact details e.g. addresses, telephone and fax numbers, e-mail addresses and practice code numbers of hospitals	Medical schemes; Statutory / Governmental bodies e.g. HPCSA when responding to complaints

9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

The practice is not planning to send any personal information about any data subject across the borders of the Republic of South Africa to third parties in foreign countries. Should this be required, patient consent will be obtained, where possible, and transfers of such information will occur in accordance with the requirements of the law.

10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

The practice takes the privacy of persons seriously and is therefore committed to ensuring that personal information in its possession or under its control is secure. In order to prevent unauthorised access or disclosure of information, appropriate physical, electronic and managerial procedures have been implemented to safeguard and secure the information. For example access to information is controlled and only persons requiring the information for the treatment, care and invoicing of patients as well as the administration of the practice have access to the information. Access to electronic records is password controlled. A privacy policy has been implemented to ensure that personal information is processed and stored strictly in accordance with the law and all persons who have access to that information are aware of their responsibilities. Records are maintained in a structured filing system for as long as it is necessary in accordance with the relevant laws. A risk assessment of the organisational and technical processes and procedures is conducted on a regular basis to ensure a continuous monitoring and enhancement of security measures in the practice. Practitioners, other staff and contractors are required to adhere to the strict policies and processes implemented by the practice and are subject to sanctions for any security breach. All security breaches are taken seriously and are addressed in accordance with the law.

11. PROCEDURE TO OBTAIN ACCESS TO THE RECORDS OR INFORMATION

The fact that information and records are held by the practice as listed in this Manual should not be construed as conferring upon any requester any right to that information or record. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any right. If a public body lodges a request, the public body must be acting in the public interest. Access to records and information is not automatic. Any person, who would like to request access to any of the above records or information, is required to complete a request form, which is attached to this Manual as **Annexure A**, and pay the fees specified in PAIA, attached hereto as **Annexure B**. The request form is also available from:

- The Information Officer of the practice at the contact details stipulated above; and
- The SAHRC at the contact details stipulated above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must identify the right he/she is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made to the satisfaction of the Information Officer. Access to the requested records or information or parts of the records or information may be refused in terms of the law. Requesters will be advised of the outcome of their requests.

12. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION

The fees for requesting and accessing information and records held by the practice are prescribed in terms of PAIA. A requestor (other than a personal requester) is required to pay the prescribed fee of R50 before a request will be processed. The fees payable, which may be amended from time to time in accordance with notices published in the Government Gazette, are attached hereto as **Annexure B**.

Details of the fees payable and any change to such fees may be obtained from the Information Officer. The fees are also available on the website of the SAHRC. A requester may also be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

13. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available for inspection, free of charge, at the practice and on its website. A copy of the Manual may also be requested from the Information Officer against payment of the appropriate fee, which may be obtained from the Information Officer.



Signature of the Information Officer

Date: 26 March 2018

ANNEXURE A: REQUEST FORM

Form C
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: _____

Telephone number: _____ Fax 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 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 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 transcription to be posted to you ?		
		YES NO
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 _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

ANNEXURE B: FEES

Annexure A
GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-added Tax Act, 1991 ([Act No. 89 of 1991](#)), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I
FEES IN RESPECT OF GUIDE

1. The fee for a copy of the guide as contemplated in [regulations 2 \(3\) \(b\)](#) and [3 \(4\) \(c\)](#) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II
FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in [regulation 5 \(c\)](#) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in [regulation 7 \(1\)](#) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in [regulation 7 \(2\)](#) is R35,00.

4. The access fees payable by a requester referred to in [regulation 7 \(3\)](#) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

- (2) For purposes of [section 22 \(2\)](#) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

**PART III
FEES IN RESPECT OF 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:

	R
(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.
4. The access fees payable by a requester referred to in [regulation 11 \(3\)](#) are as follows:

	R
(1) (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 records, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) 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.	

 - (2) For purposes of section 54 (2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.