



PAIA Manual

of

DR SJ FOURIE & PARTNERS INC

Registration number: 2011/003621/21

in terms of

Section 51 (as to be amended) of the Promotion of Access to Information Act (Act 2 of 2000)

read with

Section 17 of the Protection of Personal Information Act (Act 4 of 2013)

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1. INTRODUCTION TO THE COMPANY

Dr SJ Fourie & Partners Inc is a personal liability Company, duly incorporated and registered in terms of the laws of South Africa.

List of acronyms and abbreviations

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 (as amended);
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. CONTACT DETAILS

2.1	Company Name:	Dr SJ Fourie & Partners Inc
	Registration Number:	2011/003621/21
	Information Officer:	Murray Izzett
	Physical Address:	1st Floor, Madison Square Park, 4 Howick Close, Tygerfalls, Bellville, Western Cape, 7530
	Postal Address:	PO Box 15276, Tyger Valley, Bellville, Western Cape, 7536
	Telephone Number:	021 944 3600
	E-mail address:	murray.izzett@iconsa.co.za
	Website address:	www.iconsa.co.za
2.3	Deputy Information Officer:	Akbarallie Abbas
	Physical Address:	1st Floor, Madison Square Park, 4 Howick Close, Tygerfalls, Bellville, Western Cape, 7530
	Postal Address:	PO Box 15276, Tyger Valley, Bellville, Western Cape, 7536
	Telephone Number:	021 944 3600

E-mail address: aabbas@iconsa.co.za
Website address: www.iconsa.co.za

2.4 Access to information general contact
Email: ccloete@iconsa.co.za

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 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;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 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;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 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;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

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

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA ;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11 ; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50 ;
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
 - 4.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://inforegulator.org.za/>).

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

4.6.1 in English and Afrikaans.

5. RECORDS

The Company holds the following categories of records:

5.1 Records relating to the incorporation of the Company and related matters:

Documents related to the establishment of the Company, such as documents required in terms of the Companies Act 71 of 2008; governance documents; minutes of meetings and other related documents.

5.2 Medical records:

Records related to patients; patient care protocols and treatment plans, including medical records relating to medical history, historical treatments, and other related documents relating to a patient's treatment and medical condition.

5.3 Management records:

Documentation relevant to the management structure and the management of the Company.

5.4 Employment records:

Employment contracts; conditions of employment and work place policies; employment equity and skills development plans and reports; attendance register; salary and wage register; performance management records; collective agreements; documents related to disciplinary proceedings, arbitration awards as well as legal cases and cases at the Commission for Conciliation, Mediation and Arbitration ("CCMA"); expense accounts; relevant tax information and related records; medical scheme and pension fund membership records; records relevant to contracted staff; essential services' permits; and information related to the membership of professional societies.

5.5 Health and safety records:

Evacuation plan; information related to the Health and Safety Committee / health and safety officer; and health and safety incident reports.

5.6 Financial records:

Annual Financial Statements; auditor's reports; accounting records; bank statements; invoices, statements, receipts and related documents; VAT records; payments to the South African Revenue

Services ("SARS"), other government bodies, staff and suppliers; and tax returns and related documentation.

5.7 Records related to assets:

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; title deeds; mortgage bond documentation, debenture register; registers and records kept in terms of the Medicines and Related Substances Act 101 of 1965; stock sheets; delivery notes and orders; and sale and purchase agreements.

5.8 Agreements:

Agreements (and related documentation) with contractors, consultants, suppliers and vendors, including agreements with funders and agreements related to clinical trials.

5.9 Records relating to legal processes:

Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; settlement agreements; and legal opinions/advice.

5.10 Insurance records:

Insurance policies and related records, including in respect of professional indemnity cover; and claims records.

6 INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The Company is required to hold certain records in terms of the following legislation subject to the specific protection offered by these laws:

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. Disaster Management Act 57 of 2002;
7. Electronic Communications and Transactions Act 25 of 2002;
8. Employment Equity Act 55 of 1998;
9. Hazardous Substances Act 15 of 1973;
10. Health Professions Act 56 of 1974;
11. Income Tax Act 58 of 1962;
12. Labour Relations Act 66 of 1995;
13. Medical Schemes Act 131 of 1998;
14. Medicines and Related Substances Act 101 of 1965;
15. Mental Health Care Act 17 of 2002;

16. National Health Act 61 of 2003;
17. Occupational Health and Safety Act 85 of 1993;
18. Promotion of Access to Information Act 2 of 2000;
19. Protection of Personal Information Act 4 of 2013;
20. Regulations governing private health establishments Provincial Notice 187 of 2001 of 22 June 2001 (Western Cape);
21. Road Accident Fund Act 56 of 1996;
22. Skills Development Levies Act 9 of 1999;
23. Skills Development Act 97 of 1998;
24. Unemployment Contributions Act 4 of 2002;
25. Unemployment Insurance Act 63 of 2001; and
26. Value Added Tax Act 89 of 1991.

7 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the Company to the Minister of Justice and Correctional Services 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 Company is automatically available without having to request access in terms of PAIA. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Policy of the practice.

8 PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. to conduct and manage the Company in accordance with the law, including the administration of the Company and claiming and collecting payment for services rendered from relevant funders, patients, and/or responsible persons / entities;
2. for communication purposes;
3. for the maintenance of practice records and patients' medical records;
4. for employment and related matters of employee;
5. for reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
6. for historical, statistical and research purposes; and
7. for any other lawful purpose related to the activities of a private Company.

9 DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION

The Company 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 Company are also specified. Information and records are only disclosed as may be necessary in the circumstances and authorised 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	Statutory records; shareholders / partnership agreement; employment / appointment records; statutory council registration records; salary and payment records; disciplinary conduct and related records; employment equity and skills development records; employment policies; leave records; tax records; medical certificates; Continuing Professional Development (“CPD”) and training records; correspondence	Names and surnames; Contact details e.g. address, telephone and e-mail addresses; identity numbers / dates of birth; race; gender; nationality; qualifications; statutory council registration numbers; registered profession; category of registration; employment history and information; position held and job description; banking details; relevant medical history; criminal behaviour; disciplinary conduct-related information; correspondence; records created in the performance of their duties; tax numbers and related tax information; leave records; remuneration; employment benefits; absenteeism information; next-of-kin details	SARS; relevant statutory and other public bodies; Board of Healthcare Funders of SA (“BHF”); Companies and Intellectual Property Commission (“CIPC”); funders; contractors and suppliers; patients; bodies performing peer review; banks; professional societies; vetting agencies hospitals; members of the public; auditors; executors of estates; purchaser of practice
Patients	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence	Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses; identity numbers / dates of birth;	Funders; employers; debt collectors; treating practitioners; credit bureaus; bodies performing peer review; relevant statutory and

		<p>race; gender; nationality; employers and their contact details; medical scheme-related information; names, surnames and contact details of next-of-kin; medical history, including details about injuries sustained; billing and payment-related information; procedures performed; diagnosis and procedure codes; special investigation images and reports (e.g. X-rays, sonars, laboratory results); referral notes; complaints and compliments; correspondence; patient forms</p>	<p>public bodies; hospitals; next-of-kin; executors of estates; purchaser of practice; medical schemes</p>
Other contractors, vendors and suppliers	<p>Agreements with contractors, vendors and suppliers; non-disclosure agreements; debt collection agreements; legal opinions and advice; invoices; correspondence</p>	<p>Names and surnames; organisation names and detail; relevant staff / office bearer details; contact details e.g. addresses, telephone numbers, e-mail addresses, website addresses; opinions; correspondence; track records; price structures; financial arrangements</p>	<p>Banks; auditors; legal advisers; funders; purchaser of practice</p>
Insurers	<p>Insurance policies; payment of premiums; claims' records and related documents</p>	<p>Names and contact details e.g. addresses, telephone numbers, e-mail addresses; premiums; correspondence</p>	<p>Auditor; legal advisers; relevant public bodies; purchaser of practice</p>

Public and statutory bodies (e.g. CMS)	Complaints submitted to the relevant statutory bodies and related documents; correspondence; newsletters and circulars issued by these bodies; statutory information, including legislation; payment records	Names; contact details e.g. addresses, telephone numbers, e-mail addresses; office bearers; fee structures; correspondence	Funders; patients; purchaser of practice
Medical schemes and other funders	Claims; remittance advices; contracts; correspondence; rules; policy provisions	Relevant staff / office bearer details; contact details e.g. address, telephone numbers, e-mail addresses; correspondence	Patients; debt collectors; purchaser of practice
Hospitals	Correspondence	Names; contact details e.g. address, telephone numbers, e-mail address and practice code number	Funders; patients; purchaser of practice

10 PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

The Company stores electronic information, including personal information of data subjects, in the 'cloud', the servers of which may be located outside of the borders of the Republic of South Africa ("RSA"). Due care is taken in the selection of appropriate cloud service providers to ensure compliance with the Protection of Personal Information Act ("POPIA") and protect the privacy of data subjects. The Company is not planning to send any other personal information about any data subject to any other third party in a foreign country. Should this be required, relevant data subject consent will be obtained, where possible, and transfers of such information will occur in accordance with the requirements of the law.

11 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

The Company is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best

practices. The measures it adopts to ensure the security of personal information, includes technical and organisational measures and internal policies to prevent unauthorised access, loss or use of personal information, for example, the physical securing of the offices where information is held; locking of cabinets with physical records; password control to access electronic records; server access control; and off-site data back-ups. In addition, only those practitioners and employees that require access to the information to treat patients and discharge their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the practice requiring them to implement appropriate security measures and to maintain the confidentiality of the information. 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.

12 PROCEDURE TO OBTAIN ACCESS TO RECORDS OR INFORMATION

The fact that information and records are held by the Company 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 can be found at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf> and pay the prescribed fees as referenced below. The request form is also available from -

- The IO of the Company at the contact details stipulated above; and
- the Information Regulator at the contact details stipulated above.

The requester must provide sufficient detail on the request form to enable the IO 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 IO. 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.

13 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. The fees payable, may be amended from time to time in accordance with notices published in the Government Gazette. Details of the fees payable and any change to such fees may be obtained from the IO. The fees are also available on the website of the Information Regulator at <https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>. A requester may be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

14 AVAILABILITY OF THIS MANUAL

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