



**DR JA DU PLESSIS**

**& KIE**

**CARE FOR ALL AGES**

PR NO 0723215



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

## **1. LIST OF ACRONYMS AND ABBREVIATIONS**

<b>GUIDE</b>	A guide updated and published by the Information Regulator from time to time containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this act.
<b>PAIA</b>	The Promotion of Access to Information Act (No. 2 of 2000)
<b>POPI</b>	The Protection of Personal Information Act (No. 4 of 2013)
<b>REPUBLIC</b>	The Republic of South Africa

## **2. OVERVIEW**

Dr J.A. du Plessis & Kie is a Company established in terms of the provisions of the Companies Act, 2008.

This manual serves to inform members of the public of:

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

## **3. AVAILABILITY OF THIS MANUAL**

A copy of this manual is available to the Information Regulator and to any person upon request and payment of the reasonable prescribed fee per A4-size photocopy made in terms of Annexure B, on request from our Information Office, whose details are set out below.

#### **4. UPDATING OF THE MANUAL**

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

#### **5. OUR INFORMATION OFFICE**

Our Information Officer is: Dr Albert Visagie

Postal Address: Private Bag X1809; Postnet Suite RG 43; Middelburg; 1050

Physical Address: 29 Joubert Street; Middelburg

Telephone: 013 243 0220

Email: admin@familydoc.co.za

#### **6. HOW TO REQUEST ACCESS TO RECORDS HELD BY DR J.A. du PLESSIS & KIE**

Requests for access to records held by the Practice must be made on the request form that is attached to this Manual, attached hereto as Form 2 (Request Form). When a record is requested, the following will apply:

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

#### **7. HOW THE PROMOTION OF ACCESS TO INFORMATION ACT WORKS**

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

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

For further information on the Act and how it works.

The Information Regulator will publish a Guide, amended and updated, and made available from time to time, and may thus be consulted for further information on the act and its functioning.. The Guide can be:

- obtained from the website of the Information Regulator at <https://inforegulator.org.za/paia/>;
- requested from the Information Officer; or

- Inspected or copied during normal office hours in the languages it is published.

The Guide contains a description of, among others:

- the objectives of PAIA and POPIA;
- the postal and street address, phone and fax number and, if available, email address of the (Deputy) Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- the assistance available from the Regulator in terms of PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - a complaint to the Regulator; and
  - an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal, a decision by the Regulator, or a decision of the head of a private body;
- the regulations made in terms of section 92, which provide that the Minister may, by Gazette, make certain regulations, including matters related to fees.

## 8. VOLUNTARY DISCLOSURE

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

Category of records	Types of the Record	Available upon request
Product and service list and information	Services and Sales	Yes
Price list	Services and Sales	Yes
Information about the Practice, its operations, objectives, and the likes	General business information	Yes
Operation Times	Services and Sales	Available without request
Contact Information	Contact Information	Yes

## 9. RECORDS AVAILABLE IN TERMS OF LEGISLATION

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

Category of Records	Applicable Legislation
Memorandum of incorporation, shareholders agreement, share offers and sale agreements, minute books, etc.	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Financial and staff records	Income Tax Act 58 of 1962
VAT invoices	Value Added Tax Act 89 of 1991
Information that must be disclosed to employees under the LRA	Labour Relations Act 66 of 1995
Leave, overtime	Basic Conditions of Employment Act 75 of 1997
All employment policies and practices and its analyses	Employment Equity Act 55 of 1998
Training plans and records	Skills Development- and Skills Development Levies Act 9 of 1999
Submissions and reports	Unemployment Insurance Act 63 of 2001
Claims and reports to the Compensation Fund	Compensation for Occupational Injuries and Disease Act 130 of 1993

Category of Records	Applicable Legislation
Occupational Health and Safety committee records, Health and Safety Officer records	Occupational Health and Safety Act of 85 of 1993
Electronic records (emails, agreements, financial records)	Electronic Communications and Transactions Act 25 of 2002
All records pertaining to direct consumer interactions or directed to the public as potential consumers	Consumer Protection Act 68 of 2008
Records as required under the BB BEE Codes	Broad-based Black Economic Empowerment Act 53 of 2003
Credit records	National Credit Act 34 of 2005
POPI Gap Analysis, POPI Framework/Policy, consents to processing, Data retention, archiving and destruction policy	Protection of Personal Information Act 4 of 2013
Consents, permits, reports by OHSC	National Health Act 61 of 2003
Submissions, permits, reports, correspondence	Medicines and Related Substances Act 101 of 1965
Consents	Children's Act 38 of 2005
Consents and interactions with facilities	Mental Healthcare Act 17 of 2002
Registrations and compliance records	Health Professions Act 56 of 1974
Registrations and compliance records	Pharmacy Act 53 of 1974
Registrations and compliance records	Nursing Act 33 of 2005
Claims, negotiation records	Medical Schemes Act 181 of 1998
Information submitted to- or requested by the Competition Commission, Health Market Inquiry.	Competition Act 89 of 1998

**10. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE PRACTICE**

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

Subjects on which records are held	Categories of records
Internal records relating to our business as a Practice	Founding and other documents (e.g. registration as a Company), minutes and policies; annual and other reports; financial records; claims records; reimbursement records; records submitted to the CMS; scheme application forms, appeals and complaints / disputes; 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.
HR records	Records of employees, locums, associates, contractors, partners, directors. Records include personal files, 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.
Health records	Motivations, chronic forms, etc; client/patient lists; medical reports; funding records; consents; financial and accounts information; actuarial information. <b><i>It must be noted that, in the health sector, personal, health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.</i></b>
Supplier, vendor and service provider records	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.
SAHPRA, NDoH and technical records	Applications, approvals, updates on products and licences, manuals, logs, electronic and cached information, 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.

Subjects on which records are held	Categories of records
Business / health sector environment and market information	Publicly available information; commissioned information which pertains to the specific sector and market of our business and factors that affect the business; information relating to professional and healthcare environment
Professional Association	Information provided by, submitted to, relating to associations to which the business belongs, and may include membership information, office-bearers information, etc.

## 11. CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION AND CATEGORIES OF PERSONAL INFORMATION SUPPLIED TO OTHERS

We may share relevant personal and health information with our Operators, i.e. those who manage parts of our business on our behalf) and may have to supply personal information to entities authorised to receive, request and process such information. These may include, but are not limited to::

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Patient details, healthcare provider details	SAHPRA, HPCSA, SAPC, SANC
For CPD and training accreditation purposes	HPCSA, SAPC, SANC
Adverse event reports, quality complaints	SAHPRA
Race, gender, nationality of staff and others	BEE Consulting and Rating Agencies
Claims / invoices	To insurers / medical schemes / Compensation Fund
Randomised patient files	OHSC; during physical inspection only

## 12. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Practice has planned trans-border flow of personal information to ensure continued care. In all such cases, our Operators ensure appropriate safeguards are in place to protect the data in accordance with POPIA.

## 13. PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

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

- In relation to the **business/internal records**: For good corporate governance and to comply with business-, financial-, companies'- and tax legislation.
- In relation to **employees**: for retention of employment records as per legislated and execution of employer/employee agreements and labour legislation.
- In relation to our **Patients / Consumers**: for retention of records as required by law and to provide financial and/or health records, to facilitate obtaining healthcare services and/or products, to facilitate access to health products and for the collection of membership fees for the services so provided.
- In relation to **Suppliers, Vendors and Service Providers**: for record retention as legislated and for the execution of the supplier- and service level agreements.

## 14. INFORMATION SECURITY MEASURES IMPLEMENTED

The Practice mainly stores information digitally, and in some specific cases physically. These are as follows:

- Physical records are kept in the Practice's vault, with access controlled by lock and key, and which cannot be accessed without the admin personnel being made aware of such access.
- There is an alarm system, fire alarm and extinguishers, and physical deterrents to access the practice and/or its information without authorisation.
- Electronic records are kept on cloud storage, with access requiring personnel-specific passwords and permissions.

- Staff are trained to avoid behaviours and practices that could place records at risk and on good practice that would keep electronic information reasonably secure.
- Records are backed-up daily.
- Retention and destruction takes place in terms of the Practice's Document Retention and Destruction Policy.

**15. PRESCRIBED FEES**

The following applies where information requested is other than a personal requests:

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

**16. OUTCOME OF REQUESTS AND COMPLAINTS**

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

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by:

\_\_\_\_\_  
 The Practice Information Officer  
**Dr Albert Visagie**

*Annexure A, and Form 2 follow over the next pages*

**Annexure A: Prescribed Fees**

Description	Amount
Request fee; payable by every requester	R 140.00
For each hour or part thereof (excluding the first) reasonably required to search and prepare the record for disclosure	R 145.00 This fee is not to exceed R 435.00
Postage, email, or any other electronic transfer	Actual expense, if any
Deposit - If the search exceeds 6 hours	One third of the amount per request, as calculated from the items below:
<ul style="list-style-type: none"> <li>● Photocopy or printed black and white copy for every A4 page</li> </ul>	R 2.00 per page or part of page
<ul style="list-style-type: none"> <li>● Copy in a computer-readable form on a USB flash drive provided by the requester</li> </ul>	R 40.00
<ul style="list-style-type: none"> <li>● Transcription of visual imagers, for A4-size page or part thereof</li> </ul>	Service will be outsourced. The fee will depend of the quotation from the service provider
<ul style="list-style-type: none"> <li>● Copy of visual images</li> </ul>	Service will be outsourced. The fee will depend of the quotation from the service provider
<ul style="list-style-type: none"> <li>● Transcription of an audio record, per A4 page</li> </ul>	R 24.00
<ul style="list-style-type: none"> <li>● Copy of an audio record on a flash drive provided by the requester</li> </ul>	R 40.00