

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

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1. Introduction

This manual has been compiled as required in terms of the **Promotion of Access to Information Act 2 of 2000 (“PAIA”)** for the following companies:

1.1 Drs Alberts, Bouwer & Jordaan Incorporated (ABJ Inc.)

Registration number 1994/010256/21.

1.2 Dr Brittain & Partners Incorporated (ACT Inc.)

Registration number 2007/000389/21.

These companies are private companies registered in the Republic of South Africa and will be addressed as a combined entity hereafter referred to as **“The Companies”**.

2. Acronyms and Abbreviations

- 2.1. CEO: Chief Executive Officer
- 2.2. DIO: Deputy Information Officer
- 2.3. IO: Information Officer
- 2.4. Minister: Minister of Justice and Correctional Services
- 2.5. PAIA: Promotion of Access to Information Act No. 2 of 2000 (as Amended)
- 2.6. POPIA: Protection of Personal Information Act No. 4 of 2013
- 2.7. Regulator: Information Regulator
- 2.8. Republic: Republic of South Africa

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 that is available without a person having to submit a formal PAIA request;
- 3.2. have a sufficient understanding of how to request access to a record of the body, by describing 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 the processing of personal information and the description of the categories of data subjects and the information or categories of information relating thereto;
- 3.7. know the description of the categories of data subjects and 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. Key Contact Details for Access to Information of “The Companies”

Information Officers

- **Information Officer ABJ Inc.:**

Name: Dr SJ Fourie
Tel: 012 807 2744
Email: samuel@abj.org.za
Fax number: 012 807 2747

- **Information Officer ACT Inc.:**

Name: Dr D Brittain
Tel: 012 993 2555
Email: david@abj.org.za
Fax number: 012 993 2429

Deputy Information Officers

Deputy Information Officers for ABJ Inc.:

Name:	Mrs HJ Powell
Tel:	016 421 1778
Email:	hedrip@abj.org.za

Name:	Mrs A Meiring
Tel:	012 807 2744
Email:	anneliem@abj.org.za

Deputy Information Officer ACT Inc.:

Name:	Mrs HJ Powell
Tel:	016 421 1778
Email:	hedrip@abj.org.za

Name:	Mrs A Meiring
Tel:	012 807 2744
Email:	anneliem@abj.org.za

Offices

Drs Alberts, Bouwer & Jordaan Incorporated (ABJ Inc.)
Registration number 1994/010256/21
Wilgers Oncology Centre
Denneboom Road

Die Wilgers
Pretoria, South Africa.
(012) 807 2744
popia@abj.org.za

Website: www.oncology-sa.co.za

Dr Brittain & Partners Incorporated (ACT Inc.)

Registration number 2007/000389/21
Suite 34, Netcare Pretoria East Hospital
Cnr Garsfontein Road & Netcare Street
Moreleta Park
Pretoria, South Africa.
(012) 993 2555
popia@abj.org.za

Website: www.oncology-sa.co.za

5. Guide on how to use PAIA and how to obtain access to the guide

5.1 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.

5.2 The aforesaid Guide contains the description of-

5.2.1 the objects of PAIA and POPIA;

5.2.2 the postal and street address, phone, and fax number and, if available, electronic mail address of-

5.2.2.1 the Information Officer of every public body, and

5.2.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

5.2.3 the manner and form of a request for-

5.2.3.1 access to a record of a public body contemplated in section 11³; and

5.2.3.2 access to a record of a private body contemplated in section 50⁴;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- 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 rights;

5.2.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.2.5. the assistance available from the Regulator in terms of PAIA and POPIA;

5.2.6. 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-

5.2.6.1. an internal appeal;

5.2.6.2. a complaint to the Regulator; and

5.2.6.3. 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;

5.2.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to the manual;

5.2.8. the provision of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

5.2.9. the notices issued in terms of sections 22⁹ and 541¹⁰ regarding fees to be paid in relation to requests for access; and

5.2.10. the regulations made in terms of section 92¹¹.

5.3. 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.

5.4. The Guide can also be obtained-

5.4.4. upon request to the Information Officer;

5.4.5. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

6. Categories of records of “The Companies” which are available without a person having to request access

Category of records	Types of the Record	Available on Website	Available upon request
Patient Registration and Terms and Conditions of visiting the practice and using its services.	Consent		X

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Patient Information Booklets	Information/Education	X	
Companies’ Privacy Policy	Policy document	X	

Pamphlets	Information and Awareness		X
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7. Description of the records of “The Companies” which are available in accordance with any other legislation

Information is available in terms of certain provisions of the following legislation:

- 7.1. Basic Conditions of Employment Act 75 of 1997.
- 7.2. BBBEE Act 53 of 2003.
- 7.3. Companies Act 61 of 1973.
- 7.4. Companies Act 71 of 2008.
- 7.5. Compensation for Occupational Injuries and Health diseases Act 130 of 1993.
- 7.6. Electronic Communications and Transactions Act 25 of 2002.
- 7.7. Employment Equity Act 55 of 1998.
- 7.8. Health Profession Act 56 of 1974.
- 7.9. Income Tax Act 58 of 1962.
- 7.10. Labour Relations Act 66 of 1995.
- 7.11. Medical Schemes Act 131 of 1998.
- 7.12. Occupational Health and Safety Act 85 of 1993.
- 7.13. Protection of Personal Information Act 4 of 2013.
- 7.14. Promotion of Access to Personal Information Act 2 of 2000.
- 7.15. Unemployment Contributions Act 4 of 2002.
- 7.16. Unemployment Insurance Act 63 of 2001.
- 7.17. Value Added Tax Act 89 of 1991

8. Description of the subjects on which the body holds records and categories of records held on each subject by “The Companies”

Subjects on which the body holds records	Categories of records
Accounting Records	<ul style="list-style-type: none"> - Annual financial statements - General ledger

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> - Subsidiary ledgers - Bank statements - Customer and supplier statements and invoices - VAT returns - Lease or instalment sales agreements - Auditor's reports
Health and Safety	<ul style="list-style-type: none"> - Register, the record of earnings, time worked, payment and particulars of all employees. - Evacuation plan
Intellectual property	<ul style="list-style-type: none"> - Copyrights
Legal, Agreements and Contracts	<ul style="list-style-type: none"> - Contracts, including lease agreements and finance agreements.
Personal Records	<ul style="list-style-type: none"> - Disciplinary records - Employee information records - Employment equity plan - Group life Insurance incentive schemes - IRP 5 and IT 3 certificates - Payroll - Policies and procedures - UIF, PAYE and SDL returns
Statutory Company Records	<ul style="list-style-type: none"> - Certificate of change of name - Certificate of Incorporation - Certificate of Commence Business - Memorandum and Articles of Association - Registration Certificate - General resolutions - Shareholders' register - Minute books
Tax	<ul style="list-style-type: none"> - Income tax returns - Provisional tax returns - Tax assessments - VAT documents
Patient records	<ul style="list-style-type: none"> - Clinical notes - Medical reports - Accounts - Patient information and profiles - Records are held on all patients as required by legislation. These records constitute personal confidential information that is protected from unauthorized third-party access.
Supplier and Service Provider Records	<ul style="list-style-type: none"> - Contracts

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> - Confidentiality agreements and non-disclosure agreements - Delivery Records - Technical records
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records

9. Processing of Personal Information

Purpose of Processing Personal Information

- 9.1.1. The Companies collect, process and retain their patient's personal information, including sensitive personal information about their health, to provide them with medical treatment, related healthcare and support, as well as administrative services related to this purpose.
- 9.1.2. Personal information is further used to administer patients' accounts and to process all claims against their medical aids or insurance companies.
- 9.1.3. Patients are aware of the purpose of the collection which is clearly set out in the Patient Registration and consent form.
- 9.1.4. Employees' personal information is collected, processed and retained for the business interests of The Companies, as well as for the benefits of the Employee as set out in their employment contracts such as addresses, qualifications, bank details, insurance or medical aid details where applicable.

Description of the categories of Data Subjects and of the information or categories of information relating there to:

Categories of Data Subjects	Personal Information that may be processed
Patients	<ul style="list-style-type: none"> - the main member of the Medical Scheme, the person responsible for payment of the account, patient's name, identity number, address, telephone number and Medical Scheme information,

Categories of Data Subjects	Personal Information that may be processed
	<ul style="list-style-type: none"> - current drugs or treatments used by the patient or other care or health-related information, - previous/current medical history, including, where clinically relevant, a family medical history, and - the name of any health service provider or medical specialist to whom the patient was referred to, copies of any letters of referrals and copies of any reports or feedback.
Services Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, bank details, insurance or medical aid details where applicable

The recipients or categories of recipients to whom the personal information may be supplied.

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
Qualifications for qualification verifications	South African Qualifications Authority

General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information.

9.4.1. The Companies uses its reasonable endeavours to ensure that personal information is not disclosed to any person unnecessarily or irresponsibly.

- 9.4.2. Due to the sensitive nature of the information collected by The Companies to provide their services, extra precautions are taken to ensure the security of that information. Information may be stored electronically and/or in hard copy form. All electronically stored files are stored in the cloud in a secure location, is password-protected on several levels, and regular backups of data are performed.
- 9.4.3. The Companies requires its employees to observe obligations of confidentiality during their employment with all staff/contractors signing Confidentiality Agreements.
- 9.4.4. This Policy has been put in place throughout the organisation and training on this Policy and the POPIA Act has been taken place.
- 9.4.5. Policies and procedures are also in place to cover the following:
- Physical Security;
 - Computer and network security;
 - Access to personal information;
 - Secure communications;
 - Security in contracting out activities or functions;
 - Retention and disposal of information;
 - Acceptable usage of personal information;
 - Monitoring access and usage of personal information; and
 - Investigating and reacting to security incidents.

10. Availability of the Manual

10.1. A copy of the Manual is available-

10.1.1. on www.oncology-sa.co.za

10.1.2. at the head office of The Companies for public inspection during normal business hours;

10.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

10.1.4. to the Information Regulator upon request.

10.2. A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be paid for each A4-size photocopy made.

11. Updating the Manual

11.1. This manual will be updated regularly.

- Last updated: July 2022
- Next review: October 2023