

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

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 right of access to information is entrenched under section 32 of the Constitution of the Republic of South Africa. Section 32 provides that everyone has the right of access to any information held by state; or held by any other person that is to be used for the protection or exercise of any right. The Promotion of Access to Information Act is the law that gives effect to Section 32 of the Constitution. This Act is regulated by the South African Human Rights Commission (SAHRC), and was approved by Parliament on 2 February 2000 and came into effect on 9 March 2001.

The purpose of the Act is to promote transparency, accountability, and good governance by empowering and educating the public to:

- Understand and exercise their rights,
- Understand the functions and operations of public bodies, and
- Effectively scrutinise and participate in decision-making by public bodies that affect their rights.

Under the Act, any person can demand records from public and private bodies without showing a reason.

Overview-

Dr. Darren Craig Stoler is a medical 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 disclosure after evaluation of an access application being made in terms of the Act.

- On request from our Information Officer
- Address: Ground Floor, Inner Circle, 159 Rivonia Rd, Morningside, Sandton, 2196

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

Our Information Officer-

Our Information Officer is:

Dr. Darren Craig Stoler

Telephone: 011 783 0099

Email: dstoler@morningside-eye.co.za

How to Request Access to Records Held by Dr. Darren Craig Stoler -

Requests for access to records held by *Dr. Darren Craig Stoler* must be made on the request forms that are available from our website or rooms, or from the SAHRC website (www.sahrc.org.za).

When a record is requested, the following will apply:

- Fees may be payable, and these fees are prescribed by law and can change from time to time. The fee list is attached to this document.

- The Request Form must be completed. It can be obtained from the Information Officer, on the SAHRC website (www.sahrc.org.za) or on the website of the Department of Justice (www.justice.gov.za) under “PAIA” and “forms”.
- On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information.
- If the requester is acting on behalf of someone else, the signature of the other person as the one who is authorised the request to be made.
- The requester must state in which form (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 accessing 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 Act allows the Information Officer to 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 made 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 Act works and Information Published by the SAHRC-

More information on how the Act works and all other information can be obtained from the SAHRC – SA Human Rights Commission, at:

Private Bag X2700
Houghton
2041

OR

Braampark
Forum 3
33 Hoofd Street
Braamfontein

Tel: 011 877 3600

There are also provincial SAHRC offices in all nine provinces.

Voluntary Exposure-

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

- Patient Terms and Conditions
- Treatment and Pricing
- Payment Plan Options

Records Available in terms of other Legislation-

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time

to time, and new laws may stipulate new manners 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; 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; 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 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.

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 relating to temporary employees, fixed term employees, part-time employees, permanent employees, locums, associates, contractors, partners, directors, executive directors, non-executive directors. It includes personal files and similar records, records a third parties have provided to us about their personnel; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related records and 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, without 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's 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.

ANNEXURE:

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:
 - 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. floppy disc 7,50
 - ii. compact disc 70,00
 - d. For a transcription of visual images-
 - i. for an A4-size page or part thereof 40,00
 - ii. For a copy of visual images 60,00
 - e. For a transcription of an audio record,
 - i. 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.