

**PROMOTION OF ACCESS TO INFORMATION ACT  
SECTION 51 MANUAL**

**GELDENHUYS & VAN OUDTSHOORN INC  
PRACTICE NUMBER: 7220405**

This manual is published in terms of Section 51 of the Promotion to Access to Information Act, 2000 (Act No.2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right to access to information held by the State and to information held by another person or entity, where such information is required by someone to protect his/her rights. This manual serves to inform members of the public of the categories of information the practice holds. Access to the 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.

**INTRODUCTION TO THE PRACTICE**

GELDENHUYS & VAN OUDTSHOORN INC is an incorporated practice of which the principal business is rendering of physiotherapy services.

**PRACTICE DETAILS**

**Practice Name:**Geldenhuis & van Oudtshoorn inc

**Registration Number:**950484321

**Head of the Practice:**A Potgieter & MM Kotze

**Information Officer:**A Potgieter

**Physical Address:**Suite 115, Wilgers Hospital, Denneboom Road, Die Wilgers

**Postal Address:**PO Box 81, Die Wilgers

**Telephone Number:**0128070271/2

**Fax Number:**08606714691

**E-mail Address:**avepot@worldonline.co.za

**Website Address:** www.wilgersphysio.co.za

## AVAILABILITY OF THIS MANUAL

A copy of this Manual is available -

- At the practice;
- On request from the Information Officer;

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

## 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 (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](http://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 2700, Houghton, 2041

Telephone Number: 011 877 3600

Fax Number: 011 403 0625

E-mail: [lidlamini@sahrc.org.za](mailto:lidlamini@sahrc.org.za)

## HOW TO REQUEST ACCESS TO RECORDS HELD BY THE PRACTICE

Requests for access to records held by the practice must be made on the request form that is attached to this Manual. It is also available from the Information Officer (refer to the contact details stipulated above) or from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za))

When a record is requested, please note that:

- The fees are prescribed for requesting and accessing information and records held by the practice. A requestor (other than a personal requestor) is required to pay the prescribed fee of R50 before a request will be processed. Details of these fees payable may be obtained from the Information Officer. The fees are also available on the website of the SAHRC. A requestor may be called upon to pay the additional fees prescribed by regulation for searching and compiling the information, which has been requested, including copying charges.
- The fact that information and records are held by the practice as listed in this Manual should not be construed as confirming upon any requestor any right to the information or record. Access to the requested records or information or parts of the records or information may be refused in terms of the law.
- On the Request Form all details must be completed, including the right the requestor wants to exercise or protect by requesting the information and an explanation why the record requested is required for the exercise or protection of that right.
- The requestor must provide sufficient detail on the request form to enable the Information officer to identify the record and the requestor.
- If the requestor is acting on behalf of someone else, the requestor must submit proof of the capacity in which the requestor is making the request to the satisfaction of the Information Officer.
- If the record is part of another record, the requestor will only be allowed access to the part(s) that pertains to the information he/she 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. A requestor 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 requestor is not satisfied with the reasons for the refusal of access, he/she can approach the courts.

### **VOLUNTARY DISCLOSURE / 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 the Act.

However, the information on the website of the practice is automatically available without a person having to access in terms of the Act.

### **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATIONS**

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.

#### **Business legislation (including all amendments and 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; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Compensation for Occupational Injuries and Diseases Act 130 of 1993; Occupational Health and Safety Act 85 of 1993; Promotion of Access to Information Act 2 of 2000; Protection of Personal Information Act 4 of 2013; Road Accident Fund Act 56 of 1996; Skills Development Act 97 of 1998; Unemployment Contributions Act 4 of 2002.

#### **Health legislation (including amendments and regulations issued in terms of such legislation):**

The Health Professions Act 56 of 1974, 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.

## RECORDS HELD BY THE PRACTICE

The practice holds the records in the categories stipulated below. The fact that a record type is listed here does not necessarily mean that such records will be disclosed, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

1. **Internal records relating to the practice and business**, which includes the practices' founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licenses, trademarks and other intellectual property; marketing records; other internal policies and procedures; internal correspondence; statutory records; etc.
2. **Personnel records**, which includes records relating to temporary employees, fixed term employees, part-time employees, permanent employees, contractors, partners, directors, executive directors, non-executive directors. It includes personal files and similar records, records third parties have provided to the practice 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.
3. **Patient records**, which includes patient lists; health records, funding records, agreements, consents, financial and accounts information, research information, profiling and similar information. **It must be noted that, in the health sector, personal and patient information are confidential and protected by legislation and ethical rules, and disclosure can only take place, if at all, subject to that legislation and rules.**
4. **Supplier and service provider records**, which includes supplier registration; contracts; confidentiality agreements and non-disclosure agreements, communication; logs; delivery records; commissioned work; and similar information, some of which might be provided to the practice by suppliers and providers under service and other contacts.
5. **Third party information**, which may be in the practice's possession but which would be subject to the conditions set in relation to such possession.

6. **Environment and market information**, which include information purchased, publicly available information and commissioned information which pertains to the specific sector and market of the practice and factors that affect the business, professional and healthcare environment.

DATA SUBJECTS	CATEGORIES OF RECORDS
Partners, directors, shareholders and employees	Proof of registration at and payment of fees to the HPCSA and other statutory councils; Employment contracts and records; Certificates of good standing; Insurance policies; Complaints; Disciplinary and court proceedings; Employment equity records; Pension and retirement fund records; Medical scheme membership records; Membership of professional societies; Salary and payroll records; Tax certificates; PAYE, UIF and SDL returns and related records; Correspondence with the HPCSA, insurers and other persons / bodies; Leave records, including study leave and sick leave; Medical certificates; Continuing Professional Development (CPD) / Training events, certificates and records; Locum records; Skills development plans and records; Performance management records
Other contractors, vendors and suppliers, e.g. Hardware and software vendors, switching companies, insurers, auditors, legal counsel, consultants, debt collectors	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt collection agreements; Legal opinions and advice; Correspondence
Patients	Patient records; Invoices; Payment records; Correspondence.
Referrals	Referral notes; Reports from other health care practitioners; Correspondence
Hospitals	Correspondence
Public Bodies (e.g. Department of Health, RAF, Compensation Commissioner, UIF) and Statutory Councils (e.g. HPCSA, CMS)	Complaints submitted to the relevant statutory councils; Correspondence; Newsletters and circulars issued by these bodies and councils
Professional Societies e.g. SASP	Constitutions; Notices; Correspondence; Payment of fees
Insurers	Insurance policies
Medical Schemes	Claims; Remittance advices; Correspondence.

Signed on 27 November 2015 at Pretoria