



DR SJ FOURIE & PARTNERS INC
(SJF)

SECTION 51 MANUAL

(IN TERMS OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000)

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PREFACE

The Promotion of Access to Information Act 2 of 2000 gives effect to the public's right to information from public and private bodies as contained in section 32 of the Constitution and to advance and increasingly focus on the development of good corporate governance.

Bearing in mind that the right of access to any information held by SJF may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic environment based on human dignity, equality and freedom as contemplated in section 36 Constitution and also as specified in Part 2, Chapter 4 of the Promotion of Access to Information Act.

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1. INTRODUCTION

This manual has been compiled for SJF and is a requirement in terms of section 51 of the Promotion of Action to Information Act, 2000 (Act 2 of 2000), hereafter referred to as 'the Act'. SJF is an Incorporated Practice that employs all professional radiotherapy personnel.

2. CONTACT DETAILS OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICERS

Formal requests for access to information made in terms of the Act must be addressed to the **Information Officer:**

Compliance Officer

Colette Cloete

Email: ccloete@equrahealth.co.za

Physical Address: 14 Mispel Road
Bellville
7530

Postal Address: PO Box
Panorama

Telephone: 021 944 3600

Fax: 021 949 4112 / 086 771 31517

3. SECTION 10 GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act, the Human Rights Commission must compile a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide should be available from the South African Human Rights Commission.

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address

Private Bag 2700

Houghton

2041

Tel : 011 484 8300

Fax: 011 484 1360

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

- Labour Relations Amendment Act 2014
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Electronic Communications & Transactions Act 25 van 2002

- Promotion of Access to Information Act 2 of 2000
- National Health Act 2004
- Hazardous Substances Act 15 of 1973
- Health Professions Act 56 of 1974

5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY SJF

5.1 INFORMATION RELATING TO THE PROFESSIONAL STATUS OF THE COMPANY

- SJF is an Incorporated Practice and hold documentation and records required by the Companies Act of 2008, including but not limited to the prescribed certificates
- Resolutions
- Documents of incorporation
- Minutes of Board Meetings
- Share register and other statutory registers

5.2 FINANCIAL RECORDS

- Annual Financial Statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Paid cheques
- Electronic banking records
- Asset register
- Rental Agreements
- Invoices

5.3 INCOME TAX RECORDS

- PAYE records
- Documents issued
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional services levies
 - Skills development
 - UIF

- Workmen's Compensation

5.4 PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code\Leave records
- Training records
- Training manuals

5.5 PATIENT RECORDS

- Clinical notes
- 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 unauthorised third party access.

5.6 PROVIDENT FUND RECORDS

- Pension Fund Rules
- Account records

5.7 HEALTH AND SAFETY

- Evacuation plan
- Information related to Health and Safety Committee/Officer

5.8 AGREEMENTS AND CONTRACTS

- Agreements with utility companies
- Software/IT Agreements

- Agreements for provisions of services or materials
- Agreements with contractors or suppliers
- Purchase or lease agreements

5.9 LEGAL

- Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation
- Settlement agreements.

5.10 INSURANCE

- Insurance policies
- Professional indemnity
- Details of insurance coverages, limit and insurers

6. DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

The requester must complete form A and submit this form together with a request fee, to the head of the private body. The form must be submitted to the head of the private body at his/her address/fax number or electronic mail address

The form must:

- Provide sufficient particulars to enable the head of the private body to identify the records requested and to identify the requester,
- Indicate which form of access is required
- Specify a postal address or fax number of the requester in the Republic
- Identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
- If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner to state that manner and the necessary particulars to be informed in the other manner,
- If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

7. FEES APPLICABLE

In terms of the Act, two types of fees must be paid, namely a request fee and an access fee.

A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee.

The information officer/ corporate deputy information officer will advise the requester on paying the prescribed fee before further processing request.

The request fee payable is R35 (thirty five rand). The requester may lodge an internal appeal or an application to the court against payment of the request fee.

Fees payable:

Request Fee (Applicable to requesters other than personal requesters)	R35
Reproduction or access fees The manual: For every photocopy of an A4 sized page or part thereof, also any other A4 size photocopy	60c
For a copy of visual images for an A4 size page or part thereof	R60
For a transcription of an audio record for an A4 size page or part thereof	R12
For a copy of an audio record	R17
To search for and prepare the record for disclosure Excluding the first hour reasonably required for search and preparation.	R15 each hour or part of an hour

7.2. DECISION AND NOTICE

The requester will be notified within 30 days of receipt of the request of the information officer/ deputy information officer's decision in this respect.

If the request is granted, a further access fee must be paid for the search, preparation and reproduction of the record where applicable.

Records not found/ do not exist

In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer will by means of an affidavit/affirmation inform the requester accordingly, providing full details.

Refusal of access to records

The information officer/ deputy information officer may refuse access to the records under the circumstances as provided for in part 2, chapter 4 of the Act.

7.2. DESCRIPTION OF RECORDS WHICH ARE AUTOMATICALLY AVAILABLE

- Publications

7.3. REMEDIES AVAILABLE APPEAL PROCEDURES

An internal appeal must be lodged within a period of 60 days.

The internal appeal must be delivered, posted or faxed or sent by electronic mail to the information officer or corporate deputy information officer.

Must identify the subject of the internal appeal and give reasons for the appeal.

Must state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply.

Must be accompanied by the prescribed fee, if applicable.

Must specify a postal address, fax number or e-mail address.

A response to the appeal must be sent within 10 days.

Late appeals may be allowed if good cause is shown.

A requester or third party may only apply to court if the internal appeal procedure against a decision of the information officer or deputy information officer has been exhausted.