

Promotion of Access to Information (PAIA) Manual

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1. INTRODUCTION TO THE PRACTICE

Du Toit Orthopaedics Inc. a private healthcare practice, which is conducted in accordance with the requirements of the Health Professions Act 56 of 1974 and is subject to the authority of the Health Professions Council of South Africa (“HPCSA”). The practitioners practising at the practice are registered at the HPCSA and provide medical orthotic and prosthetic services within the scope and ambit of their registration, competence and training. The practitioners are bound by the Ethical Rules issued by the HPCSA, which include the duty to preserve patient confidentiality.

2. CONTACT DETAILS OF THE PRACTICE

Practice Name: Du Toit Orthopaedics
Practice Number: 087 000 0647985
Registration Number: 2016/346043/21
Head of the Practice: Juandré du Toit
Information Officer: Suzanne Botha
Physical Address: Mayo 7 - First Floor, Mayo Clinic, C/O Joseph Lister & William Nicol Drive, Constantia Kloof, Roodepoort
Postal Address: Mayo 7 - First Floor, Mayo Clinic, C/O Joseph Lister & William Nicol Drive, Constantia Kloof, Roodepoort
Telephone Number: (010) 446-3809
E-mail address: reception@dutoitmed.co.za
Website address: www.dutoitmed.co.za

3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR

The South African Human Rights Commission (“SAHRC”) / Information Regulator compiled a Guide, in terms of Section 10 of the Promotion of Access to Information Act 2 of 2000 (“PAIA”), to assist persons wishing to exercise their rights in terms of this Act. This Guide contains, amongst others, the following information:

Du Toit Orthopaedics Inc.
Medical Orthotics & Prosthetics
Registration no: 2016/346043/21
Practice no: 0647985

- The purpose of PAIA;
- The manner, form and costs of a request for access to information held by a body;
- 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 in all the official languages on the website of the SAHRC at <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf> or can be obtained from the Information Regulator at:

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal address: PO Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 (0) 10 023 5207 / +27 (0) 82 746 4173

E-mail address: infoereg@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/>

The publication of the Guide will become the responsibility of the Information Regulator with effect from 30 June 2021.

4. RECORDS HELD BY THE PRACTICE

The practice holds the following categories of records:

4.1 Records relating to the form of practice:

Documents related to the establishment of the practice, **a partnership agreement / its incorporation, its directors and shareholders as required in terms of the Companies Act 71 of 2008; a shareholders' agreement;** other statutory records; governance documents (e.g., practice policies, minutes of meetings); practice code number registration and other related documents.

4.2 Employment records:

Employment contracts; statutory council registration and related records; conditions of employment and work place policies; skills development plans and training records; salary register; relevant tax records; leave records; medical scheme membership records; essential services' permits and correspondence.

4.3 Patient records:

Medical records; patient forms; payment-related records and correspondence.

4.4 Referral records:

Referral notes and reports.

4.5 Clinical trial / research studies records:

Records related to clinical trials / research studies.

4.6 Health and safety records:

Evacuation plan; health and safety incident reports.

4.7 Financial records:

Financial statements; auditors' reports; accounting records; bank statements; invoices, statements and receipts; remittance advices; VAT records; tax returns and related documentation.

4.8 Records related to assets:

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; stock sheets; delivery notes and orders.

4.9 Agreements:

Agreements and related documentation with contractors, consultants, suppliers, vendors, medical schemes, locums and professional assistants; agreements and documents related to clinical trials.

4.10 Public and private body (e.g., regulators and medical schemes) records:

Official documents published, benefit schedules and correspondence.

4.11 Insurance records (including professional indemnity cover):

Policies, cover, claims and related records.

5. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

The practice holds records as may be required in terms of the following legislation subject to the specific protection offered by these laws:

- 5.1 Basic Conditions of Employment Act 75 of 1997;
- 5.2 Children's Act 38 of 2005;
- 5.3 Companies Act 71 of 2008;
- 5.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 5.5 Consumer Protection Act 68 of 2008;
- 5.6 Disaster Management Act 57 of 2002;
- 5.7 Electronic Communications and Transactions Act 25 of 2002;
- 5.8 Employment Equity Act 55 of 1998;
- 5.9 Hazardous Substances Act 15 of 1973;
- 5.10 Health Professions Act 56 of 1974;
- 5.11 Income Tax Act 58 of 1962;
- 5.12 Labour Relations Act 66 of 1995;
- 5.13 Medical Schemes Act 131 of 1998;
- 5.14 National Health Act 61 of 2003;
- 5.15 Occupational Health and Safety Act 85 of 1993;
- 5.16 Promotion of Access to Information Act 2 of 2000;
- 5.17 Protection of Personal Information Act 4 of 2013;
- 5.18 Road Accident Fund Act 56 of 1996;

- 5.19 Skills Development Levies Act 9 of 1999;
- 5.20 Skills Development Act 97 of 1998;
- 5.21 Unemployment Contributions Act 4 of 2002;
- 5.22 Unemployment Insurance Act 63 of 2001; and
- 5.23 Value Added Tax Act 89 of 1991.

6. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the practice to the Minister of Justice and Correctional Services regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the practice is automatically available. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Policy of the practice.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

The practice processes personal information of data subjects for the following purposes:

- 7.1 to conduct and manage the practice in accordance with the law, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities;
- 7.2 for treatment and care of patients;
- 7.3 for communication purposes;
- 7.4 for the maintenance of practice records and patients' medical records;
- 7.5 for employment and related matters of employees and other practitioners;
- 7.6 for reporting to persons and bodies, including referring practitioners, as required and authorised in terms of the law or by the data subjects;
- 7.7 for historical, statistical and research purposes;

- 7.8 for clinical trials / research studies;
- 7.9 for enforcement of the practice's rights; and/or
- 7.10 for any other lawful purpose related to the activities of the practice.

8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF INFORMATION

The practice holds the personal information in respect of the categories of data subjects specified below as may be relevant in the circumstances. The potential recipients of this information are also specified. Information and records are only disclosed to recipients as may be necessary in the circumstances and authorised in terms of the law or otherwise with the consent of the relevant data subjects.

8.1 Practitioners and Employees

Categories of personal information:

Full names and surnames; titles; contact details; addresses; identity numbers; race; gender; nationality; qualifications; registered professions and categories of registration; statutory council registration numbers; employment related information; positions and job descriptions; Curriculum Vitae ("CVs") and information included therein; references; relevant health information; COVID-19-related information; health and safety-related incidents; records created in the performance of their duties; leave records; remuneration; employment benefits; absenteeism information; bank details; tax numbers and related tax information; next-of-kin details and correspondence.

Potential Recipients:

Other practitioners; relevant employees; South African Revenue Service ("SARS"); relevant statutory and other public bodies (e.g. Department of Employment and Labour; the Board of Healthcare Funders of SA ["BHF"]; Unemployment Insurance Fund ["UIF"]); medical schemes; contractors and suppliers; patients; banks; professional societies; bodies performing peer review; hospitals; members of the public; legal and professional advisers; attorneys; insurers; law enforcement structures; auditors; executors of estates; potential purchaser of practice.

8.2 Job Applicants

Categories of personal information:

Names and surnames; titles; CVs and information included therein; contact details; addresses; identity numbers; race; gender; nationality; qualifications; registered professions and categories of registration; statutory council registration numbers; employment history and related information; relevant health information; COVID-19 screening information; interview notes; references and correspondence.

Potential Recipients:

Practitioners; relevant employees; legal and professional advisers; auditors; law enforcement structures; vetting agencies; recruitment agency; and potential purchaser of practice.

8.3 Patients

Categories of personal information:

Names and surnames; titles; contact details; addresses; identity numbers / dates of birth; gender; nationality; employers and their contact details; medical history; health information, including diagnoses and procedures performed; photos; COVID-19 screening information; referral notes; clinical trial / research study; participation information; adverse events; next-of-kin / guarantor / authorised person's details; amounts due for services rendered; and correspondence.

Potential Recipients:

Treating and referring practitioners; relevant employees; relevant statutory and other public bodies (e.g., the Compensation Commissioner, the Road Accident Fund); medical schemes; hospitals; legal and professional advisers; auditors; executors of estates; next-of-kin / guarantor / authorised person; debt collectors; attorneys; law enforcement structures; and potential purchaser of practice.

8.4 Referring Practitioners

Categories of personal information:

Names and surnames; titles; contact details; addresses; practice code numbers; registered professions; and correspondence.

Potential Recipients:

Practitioners; relevant employees; relevant statutory and other public bodies; medical schemes; auditors; law enforcement structures; legal and professional advisers and potential purchaser of practice.

8.5 Hospitals / Health Care Facilities

Categories of personal information:

Names; contact details; relevant employees' / office bearer' / contact persons' details; website addresses; practice code numbers; hospital/facility privilege-related information and correspondence.

Potential Recipients:

Practitioners; relevant employees; auditors; legal and professional advisers and potential purchaser of practice.

8.6 Contractors, Vendors and Suppliers

Categories of personal information:

Names and surnames; titles; organisation names and details; relevant employees' / office bearer' / contact persons' details; contact details; addresses; website addresses; opinions; correspondence; COVID-19 screening information (visitors); market information; price structures; financial arrangements and VAT numbers.

Potential Recipients:

Practitioners; relevant employees; banks; auditors; legal and professional advisers; law enforcement structures and potential purchaser of practice.

8.7 Insurers

Categories of personal information:

Names and contact details; premiums; benefits and correspondence.

Potential Recipients:

Practitioners; relevant employees; auditors; legal and professional advisers; relevant public bodies; law enforcement structures and potential purchaser of the practice.

8.8 Public and private bodies (e.g., regulators, funders)

Categories of personal information:

Names; contact details; office bearers; fee / benefit structures; rules; information published in the public domain (e.g., benefit schedules, policies); payment-related information (e.g., invoices, remittances, statements) and correspondence.

Potential Recipients:

Practitioners; relevant employees; legal and professional advisers; patients; debt collectors; auditors; public; law enforcement structures and potential purchaser of the practice.

9. PERSONAL INFORMATION SENT ACROSS THE BORDERS OF THE REPUBLIC OF SOUTH AFRICA

The practice stores electronic information, including personal information of data subjects, in the 'cloud'. Due care is taken in the selection of appropriate 'cloud' service providers to ensure compliance with the law and protect the privacy of data subjects. The practice is not planning to send any other personal information about any data subject to any other third party in a foreign country. Should this be required, relevant data subject consent will be obtained, if required, unless the

information may be lawfully transferred across the borders; and transfers of such information will occur in accordance with the requirements of the law.

10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

The practice is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best practices. The measures it adopts to ensure the security of personal information, includes technical and organisational measures and internal policies to prevent unauthorised access, loss or use of personal information, for example, the physical securing of the offices where information is held; locking of cabinets with physical records; password control to access electronic records and off-site data back-ups. In addition, only those practitioners and employees that require access to the information to treat patients and discharge their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the practice requiring them to implement appropriate security measures and to maintain the confidentiality of the information. Suppliers and vendors are required to adhere to the strict policies and processes implemented by the practice and are subject to sanctions for any security breach. All security breaches are taken seriously and are addressed in accordance with the law.

11. PROCEDURE TO OBTAIN ACCESS TO RECORDS OR INFORMATION

The fact that information and records are held by the practice as listed in this Manual should not be construed as conferring upon any requester any right to that information or record. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any right. If a public body lodges a request, the public body must be acting in the public interest. Access to 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

available from reception or the Information Officer of the practice and the Information Regulator at the contact details stipulated above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must identify the right he/she is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made to the satisfaction of the Information Officer. Access to the requested records or information or parts of the records or information may be refused in terms of the law. Requesters will be advised of the outcome of their requests.

12. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION

Fees may be charged for requesting and accessing information and records held by the practice. These fees are prescribed in terms of PAIA. Details of the fees payable may be obtained from reception or the Information Officer. The fees are also available from the Information Regulator

13. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available for inspection, free of charge, at the practice and on its website. A copy of the Manual may also be requested from the Information Officer against payment of a fee as may be advised.