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HPCSA: OT 0030066

PR. 6617654

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. LIST OF ACRONYMS AND ABBREVIATIONS

1.1 “IO” - Information Officer

1.2 “Minister” - Minister of Justice and Correctional Services

1.3 “PAIA” - Promotion of Access to Information Act No. 2 of 2000(as Amended)

1.4 “POPIA” - Protection of Personal Information Act No.4 of 2013

1.5 “Regulator” - Information Regulator

1.6 “Republic” - Republic of South Africa

1.7 “Practice” – Helen Roome Occupational therapist

2. PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is useful for the public to-

2.1 check the categories of records held by this practice which are available without a person having to submit a formal PAIA request;

2.2 have a sufficient understanding of how to make a request for access to a record of this practice, by providing a description of the subjects on which this practice holds records and the categories of records held on each subject;

2.3 know the description of the records of this practice which are available in accordance with any other legislation;

2.4 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;

2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.6 know if this practice will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.9 know if this practice 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

2.10 know whether this practice has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. DETAILS OF THE PRACTICE

This Manual is applicable to the following practice:

Practice Name: Helen Roome Occupational therapist

Practice Number: 6617654

HPCSA Registration Number: OT 0030066

Head of the Practice: Helen Roome

Physical Address: 12A Greenacre Place, Kloof, Durban

Postal Address: 12A Greenacre Place, Kloof, 3610

Telephone Number: 083 556 8871

Email address: info@helenroome.co.za or h.roome@gmail.com

Website address: www.helenroome.co.za

Information Officer: Helen Roome

Tel: 083 556 8871 (no landline)

Email: info@helenroome.co.za or h.roome@gmail.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. 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.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of

4.3.2.1. the Information Officer of every public body, and

- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA (1) and section 56 of POPIA (2);
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11 (3); and
 - 4.3.3.2. access to a record of a private body contemplated in section 50 (4);
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.6. 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-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator;
 - 4.3.6.3. and 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;
 - 4.3.7. the provisions of sections 14 (5) and 51 (6) requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15 (7) and 52 (8) providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22 (9) and 54 (10) regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92 (11).
- 4.4. 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.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer of this practice;
 - 4.5.2. from the website of the Regulator (<https://inforegulator.org.za/>).

4.6 The Guide is available in all the official languages on the website (<https://www.justice.gov.za/inforeg/>) of the Information Regulator or can be obtained from the Information Regulator at:

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

4.6.2 Postal address: P O Box 31533, Braamfontein, Johannesburg, 2017 Email address: enquiries@inforegulator.org.za

5. RECORDS HELD BY THE PRACTICE

The practices hold the following categories of records:

5.1 Records relating to the form of practice: HPCSA documents related to the establishment and type of the practice

5.2 Patient records: Medical records; patient forms; payment-related records and correspondence.

5.3 Referral records: Referral notes and reports.

5.4 Financial records: Financial statements; accounting records; bank statements; invoices, statements and receipts; tax returns and related documentation.

5.5 Records related to assets: Asset registers; purchase records; lease agreements; sale and purchase agreements;

5.6 Records relating to legal matters: Complaints, legal documents and legal opinions.

5.7 Public and private body (e.g., regulators and medical schemes) records: Official documents published; benefit schedules and correspondence.

5.8 Insurance records (including professional indemnity cover): Policies, cover, claims and related records

6. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

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

6.1 Consumer Protection Act 68 of 2008 and Medical Schemes Act 131 of 1998 - Invoices related to medical treatment provided

6.2 Health Professions Act 56 of 1974 - Proof of registration of healthcare practitioners

6.3 Income Tax Act 58 of 1962 and Tax Administration Act 28 of 2011 - Tax-related information of sole proprietor

6.4 National Health Act 61 of 2003 - Medical records and consent documents, where necessary

6.5 Promotion of Access to Information Act 2 of 2000 - PAIA Manual and PAIA Guide

6.6 Protection of Personal Information Act 4 of 2013 - PAIA Manual and policies related to the protection of personal information, including a record-keeping policy

7. RECORDS AUTOMATICALLY AVAILABLE

The information on the website is automatically available without having to request access by completing Form 2. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Policy of Helen Roome Occupational therapist.

8. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

8.1 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;

8.2 for treatment and care of patients;

8.3 for communication purposes;

8.4 for the maintenance of practice and patient records;

8.5 for reporting to persons and bodies, including referring practitioners, as required and authorised in terms of the law or by the data subjects;

8.6 for historical purposes;

8.7 for procurement;

8.8 for enforcement of the practice's rights; and/or

8.9 for any other lawful purpose related to the activities of the practice.

9. 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.

9.1 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; COVID-19 screening information; referral notes; adverse events; next-of-kin / guarantors / authorised persons' details; amounts due for services rendered; and correspondence.

Potential recipients: Treating and referring practitioners; relevant service providers, contractors and suppliers; relevant statutory and other public bodies; funders (e.g., medical schemes, the Compensation Commissioner, the Road Accident Fund); hospitals; legal and professional advisers; auditors; executors of estates; next-of-kin / guarantors / authorised persons; debt collectors; attorneys; and law enforcement structures.

9.2 Referring Practitioners

Categories of personal information: Names and surnames; titles; contact details; addresses; practice code numbers; registered professions; and correspondence.

Potential recipients: Practitioners; relevant service providers, contractors and suppliers; relevant statutory and other public bodies; funders; auditors; law enforcement structures; and legal and professional advisers.

9.3 Hospitals / Health Care Facilities

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

Potential recipients: Practitioners; relevant service providers, contractors and suppliers; auditors; legal and professional advisers.

9.4 Service Providers, Contractors, Vendors and Suppliers

Categories of personal information: Names and surnames; titles; organisation names and details; relevant employees' / office bearers' / 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 service providers, contractors and suppliers; banks; auditors; legal and professional advisers; and law enforcement structures.

9.5 Insurers

Categories of personal information: Names and contact details; premiums; benefits and correspondence.

Potential recipients: Practitioners; relevant service providers, contractors and suppliers; auditors; legal and professional advisers; relevant public bodies; and law enforcement structures.

9.6 Public and private bodies and other persons

Categories of personal information: Names; contact details; relevant employees' / office bearers' / contact persons' details; fee / benefit structures; rules; information published in the public domain (e.g., benefit schedules, policies); payment-related information (e.g., invoices, remittances, statements); other business-related information VAT numbers; COVID-19 screening information of visitors; and correspondence.

Potential recipients: Practitioners; relevant service providers, contractors and suppliers; legal and professional advisers; patients; debt collectors; auditors; public; relevant public and private bodies; and law enforcement structures.

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

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. Transfers of such information will occur in accordance with the requirements of the law.

11. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

The practice is committed to ensuring the security of the personal information in their possession or under their control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. They continually review and update their information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best practices. The measures they adopt 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 securing of record storage areas; access control to 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. Service providers, 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.

12. 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 (Form 2), which is available from 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.

13. 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 Information Officer. The fees are also available from the Information Regulator.

14. AVAILABILITY OF THIS MANUAL

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

Reference notes

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; b) c) that person complies with 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.
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
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.”