

DR IRT BUTLER

(Hereinafter referred to as “the Practice”)

PAIA MANUAL

This manual was prepared in accordance with Section 14 of the Promotion of Access to Information Act 2000, (Act 2 of 2000) updated April 2019

DOCUMENT MANAGEMENT

CREATION DATE	AUTHOR	EFFECTIVE DATE	DATE LAST UPDATED
	HealthMan		10 November 2021
	Leandri Smit	01/07/2021	23/11/2021

Version: 1

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1. INTRODUCTION:

- 1.1. The Promotion of Access to Information Act 2 of 2000, ("PAIA") gives effect to section 32 of the Constitution, which **provides** that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately-held information is required for the exercise and protection of rights.
- 1.2 The **purpose** of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Organizations by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 1.3 PAIA sets limits on the types of information that may be accessed and also information that might not be accessed under various circumstances.
- 1.4 The Financial Intelligence Centre Act, 38 of 2001, provides that certain information held by Organizations is confidential and is not subject to disclosure, except under limited circumstances. PAIA reinforces the confidentiality of this information by providing that it must not be disclosed in terms of the Act, except to the person to whom it relates or that person's authorised representative.
- 1.5 PAIA provides for confidentiality of various aspects of the Practice's business operations, where this would be appropriate or applicable.

2. OVERVIEW OF THE PRACTICE

I treat conditions that affect the senses such as hearing and balance disorders or smell and taste problems. I also treat patients of all ages from newborn babies to elderly people with conditions that affect their voice, breathing and swallowing as well as those with head and neck tumours including the skull base and interface with the brain.

I offer super-specialist services, including hearing implants – (bone conduction implants and cochlear implants), skull base surgery (including pituitary gland surgery in conjunction with the neurosurgeons).

PRACTICE CONTACT DETAILS

Registered Address:	Suite 405, St George's Hospital, 40 Park Drive, Port Elizabeth, 6070
Postal Address:	PO Box 7842, Newton Park, 6055
Telephone Number:	041 -4923185
Website:	www.drbutler.co.za

3. OBJECTIVES OF THIS PAIA MANUAL

- 3.1 The purpose of this PAIA manual is to ensure compliance with the Promotion of Access to Information Act 2 of 2000.
- 3.2 The objectives are to:
- Promote the right of access to information,
 - To foster a culture of transparency and
 - Accountability within (Practice name).
- 3.2 Availability of this Manual:
This PAIA Manual is available on the Practice's website at (www.drbutler.co.za) or alternatively, a copy can be requested from the Information Officer. This manual may be available in other translations if specifically required.
- 3.3 Updating of this manual:
This manual will be updated, if necessary, on an annual basis.

4. THE INFORMATION OFFICER

- 4.1 The Act prescribes the appointment of an Information Officer for public bodies where such information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.
The Practice has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 4.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013, ("POPIA"). The Information Officer oversees the functions and responsibilities as required for in terms of this Act as well as the duties and responsibilities in terms of section 55 of the POPIA after registering with the Information Regulator.
- 4.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render the Practice as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the POPIA. All requests for information in terms of this Act must be addressed to the Information Officer.

CONTACT DETAILS OF THE INFORMATION OFFICER

Information Officer:	Dr IRT Butler
Physical Address:	Suite 405, St George's Hospital, 40 Park Drive, Port Elizabeth
Telephone Number:	041 4923185
Email:	reception@drbutler.co.za

5. AVAILABILITY OF THE PRACTICE'S RECORDS

The accessibility of the Practice records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Practice will consider access.

5.1 RECORDS AVAILABLE WITHOUT REQUEST:

- a. PAIA Manual

- b. Circulars
- c. Annual Reports
- d. Newsletters
- e. Information available from the Practice name website:
 - Website terms of use
 - Privacy Policy
 - **Services**
 - * Legal Support
 - * Strategic Partners
 - * Network Management
 - * Innovation
 - * Call Centre
 - **Home**
 - * About Us
 - * Tariffs
 - * News
 - * Calendar

5.2 RECORDS THAT SHOULD BE FORMALLY REQUESTED

- Records with classification levels of 1 to 3 must be formally requested from the Practice following the procedures to access records as outlined below.
- The Information Officer will handle all requests for sensitive information within the statutory PAIA and regulatory frameworks.

A. CLASSIFICATION LEVELS:

Level:	Classification [PAIA section]
1	MAY NOT BE DISCLOSED
	Commercial information of Private Body [s68]
	Legally privileged document [s67]
	Likely to compromise the safety of individuals or protection of property [s66]
	Likely to harm the commercial or financial interests of a third party [s64(1)(a) and (b)]
	Request after commencement of criminal or civil proceedings [s7]
	Unreasonable disclosure of personal information of a natural person [s63]
	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
	Likely to prejudice research and development information of the Company or a third party [s69]
	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
2	Limited Disclosure
	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information [s61]
3	May not be Refused
	Environmental testing / investigation which reveals public safety / environmental risk [s64(2); s68(2)]
	Disclosure in public interest [s70]
4	May be Disclosed
	Public Access Document
	Subject to copyright

B. CLASSIFICATION LEVELS PER DEPARTMENT/ SUBJECT:

Department:	Subject:	Classification level:
Sales and Marketing Department	User Guides	4
	Product / Service Brochures	4
	Customer Information and Database	1
	Third Party Agreements and Documents	1
Health & Safety Department	Health and Safety Records (Employees, Contractors)	1
Human Resources Department	Employee Records	1
	Employment Contracts	1
	Personnel Guidelines, Policies and Procedures	1
	Employee Medical Records	1
	Employee Disability Insurance Records	1
	Employee Pension and Provident Fund Records	1
	Payroll Records	1
Recruitment Records	1	
Financial Department	Audited Financial Statements	1
	Tax Records	1
	Supplier Records	1
	Management Accounts	1
	Asset Register	1
	Insurance Records	1
Legal Department	General Contract Documentation	1
	Company Guidelines, Policies and Procedures	1
	Intellectual Property Records	1
	Employee, Member and Supplier Information	1
	Immovable Property Records	1
	Statutory Records	1

For the purposes of this clause "Personnel" refers to any person who works for, or provides services to, or on behalf of the Practice and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of the Practice. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

6. PROCEDURES TO ACCESS RECORDS HELD BY THE PRACTICE

Records with classification levels of 1 to 3 held by the Practice may be accessed by requests **only** once the requirements for access below have been met.

6.1 REQUIREMENTS FOR ACCESS TO PERSONAL INFORMATION:

There are two types of requesters:

a. Personal Requester

- i. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- ii. The Practice will voluntarily provide the requested personal information. The prescribed fee for reproduction of the information requested may be charged.

b. Other Requester

- i. This requester (other than a personal requester) is entitled to request access to information on third parties.
- ii. In considering such a request the Practice will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

The Practice is not obliged to voluntarily grant access to such records. The requester must fulfil the requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

6.2 WAITING PERIOD:

- i. The Practice is required to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused.
- ii. The Information Officer may extend the period to 60 days if the request cannot reasonably be completed within 30 days
- iii. Should the 30 day period be extended, the Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

6.3 FEES:

The following fees may apply to access records in terms of PAIA

- i. Request fee:
 - If the request is to access a record containing personal information about the requester, he/she will **not** be required to pay the request fee.
 - Any other request must be accompanied by the required request fee.
- ii. Access fee:
 - If the request is granted then an access fee must be paid for the reproduction of records and for time in excess of one hour to search and prepare the records for disclosure.
 - Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required as a deposit.

Refer to Annexure B for a complete breakdown of the detailed prescribed fees.

6.4 FEEDBACK:

The requester will be notified of the Information Officer's decision in the manner specified in the request form.

6.5 ACCESS

The requester may be given access to the record if **all** requirements have been complied with according to PAIA, such as:

- i. The request is properly documented on the prescribed form;
- ii. Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
- iii. The record that is requested is sufficiently described to enable the Information Officer to identify it; and
- iv. Payment of all required fees, and
- v. The Information Officer approved the request for access.

6.6 REFUSAL OF ACCESS TO RECORDS

The Practice is entitled to refuse a request for information.

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of certain records of the Practice;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
- Mandatory protection of safety of individuals and protection of property;
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- Mandatory protection of records privileged from production in legal proceedings;
- Mandatory protection of research information of a third party and protection of research information of a public body;
- Requests requiring a substantial and unreasonable diversion of resources.

6.7 REMEDIES

- The Practice does not have an internal appeal procedure regarding the PAIA and POPI Act requests for access to information. As such, the decision made by the Information Officer is final.
- If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.

ANNEXURE A - FORM A: REQUEST FOR ACCESS TO PERSONAL INFORMATION

ANNEXURE B - PRESCRIBED FEES

ANNEXURE C - RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

ANNEXURE D - PAIA GLOSSARY

7. DISCLAIMER:

This Manual is for informative purposes only and will be governed by and construed in accordance with the laws of South Africa, without regard to its conflicts of law provisions.

If for any reason, any provision of this Manual is found to be incorrect or inaccurate, that provision shall be enforced to the maximum extent permissible so as to give effect to the intent of the parties as reflected in that provision, and the remainder of the Document/Manual shall continue in full force and effect.

The section titles used in this Document/Manual are purely for convenience and carry with them no legal or contractual effect.

No Legal Advice or Attorney-Client Relationship is created by this Manual between the Author and the User

ANNEXURE A: REQUEST FOR ACCESS TO PERSONAL INFORMATION

FORM A

REQUEST FOR ACCESS TO PERSONAL INFORMATION

[Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)]

[Regulation 10]

Note:

1. Complete the form as applicable.
2. Affidavits or other documentary evidence as applicable in support of the request may be attached.
3. If the space provided in this form is inadequate submit information as an annexure and sign each page.

A. PARTICULARS OF RESPONSIBLE PARTY

(Practice name) and address

Telephone number:

Website: (Practice name website)

Request to be address to:

The Information Officer / Deputy Information Officer:

E-mail:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

Full names and surname:	
Identity Number:	
Postal Address:	
Fax number:	
Telephone number:	
E-mail address	
Capacity of the person making this request:	

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must only be completed if a request for information is being made on behalf of another person.

Full names and surname:	
-------------------------	--

Identity Number:	
Reason:	

D. PARTICULARS OF RECORD

The requestor must provide full particulars of the record to which access is requested, including any reference number if that is known to the requestor, to enable the record to be located. You are welcome to attach an annexure (which must be signed) to this request form should the space provided herein be insufficient.

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

E. FEES

- A request for access to a record containing personal information about yourself will be processed only after a request fee has been paid.
- The Practice will, upon receipt of your request, notify you of the amount required to be paid as the request fee.
- The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.

F. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

Indicate which right is to be exercised or protected:
Explain why the record requested is required for the exercise or protection of the aforementioned right:

G. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	
Form in which record is required:	

Mark the appropriate box with an X.

Notes:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

copy of record*		inspection of record	
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2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View copy of the images*		transcription of the images*	
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3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)	
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4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record*		printed copy of information derived from the record	
-------------------------	--	---	--

* copy in computer readable form* (compact disc or memory stick)			
--	--	--	--

Note: * If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable	YES	NO
--	-----	----

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available

In which language would you prefer the record?	
--	--

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/ denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20____.

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

THE WRITTEN AUTHORITY IS REQUIRED AND MUST BE ATTACHED WHERE THE REQUEST IS MADE ON BEHALF OF ANOTHER PERSON

ANNEXURE B PRESCRIBED FEES

GENERAL

The following applies to requests (other than personal requests):

1. A requester is required to pay the prescribed fees before a request will be processed;
2. If the preparation of the record requested requires more than the prescribed hours determined by the Information Officer, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
4. Records may be withheld until the fees have been paid.
5. Payments should be made to the business account of the Practice; the particulars of which account details will be made available to a requestor upon lodging a request for access to information.

FEES IN RESPECT OF PUBLIC BODIES IN TERMS OF GOVERNMENT NOTICE NO. R. 187 IN GOVERNMENT GAZETTE 23119 OF 15 FEBRUARY 2002

- The fee for a copy of the Manual is R 0.50 for every photocopy of an A4-size page or part thereof.
- Postage fees are payable when a copy of a record must be posted to a requester.
- The fees for reproduction referred to in **section 52(3)** are as follows:

Reproduction of Information Fees	Fees to be Charged
Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example: Compact disc	R 70,00
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00

ANNEXURE C RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

The following legislation, amongst others which may become applicable from time to time, is applicable to and observed by the Practice pursuant to undertaking its day-to-day operations:

Auditing Professions Act, No 26 of 2005;	Basic Conditions of Employment Act, No 75 of 1997;
Broad- Based Black Economic Empowerment Act, No 75 of 1997;	Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
Business Act, No 71 of 1991	Companies Act, No 71 of 2008;
Competition Act, No.71 of 2008	Copyright Act, No 98 of 1978
Customs & Excise Act, 91 of 1964	Income Tax Act, No 58 of 1962;
Constitution of the Republic of South Africa 2008;	Electronic Communications Act, No 36 of 2005
Electronic Communications and Transactions Act, No 25 of 2002	Intellectual Property Laws Amendment Act, No 38 of 1997;
	Identification Act, No. 68 of 1997
Pension Funds Act, No 24 of 1956;	Prescription Act, No 68 of 1969;
Financial Intelligence Centre Act, No 38 of 2001;	Occupational Health & Safety Act, No 85 of 1993;
Labour Relations Act, No 66 of 1995;	Long Term Insurance Act, No 52 of 1998;
Prevention of Organised Crime Act, No 121 of 1998;	Promotion of Access to Information Act, No 2 of 2000;
Protection of Personal Information Act, No. 4 of 2013	Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
Revenue laws Second Amendment Act. No 61 of 2008;	Skills Development Levies Act No. 9 of 1999;
Short-term Insurance Act No. 53 of 1998	Trust Property Control Act 57 of 1988
Unemployment Insurance Contributions Act 4 of 2002	Unemployment Insurance Act No. 30 of 1966
Value Added Tax Act 89 of 1991.	

** Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.*

ANNEXURE D - PAIA GLOSSARY

Access fee	A fee prescribed for the purpose of reproduction, search and preparation of records and, if applicable, postal fees.
Date of submission	The date on which the requester submits the PAIA Request.
Grounds for refusal	The Section(s) of PAIA referred to by the Information Officer to refuse a PAIA Request.
Information Officer (IO)	The individual in the public or private body who is responsible for dealing with a PAIA Request.
Inventory	A complete list of items in the custody of a particular public or private body.
Letter of authorisation	A letter from an individual who requires the requester to submit a PAIA Request on their behalf in terms of PAIA. The letter must state that the individual authorises the requester (and other representatives from the requester's organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf.
PAIA	The Promotion of Access to Information Act 2 of 2000.
PAIA Request	The name given to the document(s) submitted to a public or private body requesting access to information in terms of PAIA.
PAIA Request reference number	The reference number you allocate for an individual PAIA Request, e.g. 0124/FIC/2010. It is advisable to use this reference number throughout all correspondence with the requester, as well as asking them to do the same.
Personal requester	A requester seeking access to a record containing personal information about themselves.
Private body	Generally, any kind of business operation independent from government.
Public body	Generally any section of government or any organisation that is set up by government, set up by law, or gets its money from government.
Record	Any recorded information irrespective of form or medium.
Requester	An individual seeking or requesting access to records and/or information held by the State and/or public body.
Request fee	The fee that must be paid by the requester before a request can be processed.