
PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

SECTION 51 MANUAL - PHISC TRUST

This Manual is published in terms of Section 51 of the Promotion of 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 of access to information held by the State and to information held by another person or entity, whether such information is required by someone to protect his / her rights.

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Revision History

Version	Date	By Whom	Changes
Draft 1 ver 1-00		PHISC HIG Workgroup	Document creation.
Draft 2 ver 1-01	2014/08/29	PHISC HIG Workgroup	Content update after presented at PHISC Management Meeting on 2014/07/30.
Draft 3 ver 1-02	2014/10/22	PHISC HIG Workgroup	Content update after feedback from Elsabe Klinck.
Draft 4 Ver 1-03	2021/11/15	PHISC HIG Workgroup	Information Officer details updated and physical address.

1. Introduction

The Private Healthcare Information Standards Committee (PHISC) is an organisation within the private healthcare sector which has as its goal the maximising of cooperation in healthcare information standards.

This manual serves to inform members of the public of the categories of information PHISC holds. Evaluation of any formal application to access information held by PHISC will be conducted by the PHISC Management Committee. This application is subject to the grounds of refusal listed in the Act.

2. Steps to consider before submitting a request

- Are you entitled to use the Act to request access?
 - Please take note of section 7(1) of the Act.
- Does the information requested exist in the form of a record?
 - Please note that the Act only applies to records that are in existence at the time of PHISC receiving your request.
- Is the record in the possession or control of PHISC?
 - The Act provides that the record requested must be in PHISC's possession or under our control.

3. Availability of this Manual

A copy of this Manual is available -

- At our physical address:
13 Claribel Road
Morningside
Durban
4001
- On request from our Information Officer
- On our web site: www.phisc.net

This Manual will be updated as and when required.

4. PHISC Information Officer

Our Information Officer is Debbie Roberts (PHISC member).

Telephone: 021 - 809 6910
Email: Debbie.roberts@mediclinic.com

Our Deputy Information Officer is Matt Zylstra (PHISC Chairperson)

Telephone: 011 - 529 1107
Email: chairperson@phisc.net

5. How to request access to records held by PHISC

Requests for access to records held by PHISC must be made according to the following prescribed procedures:

5.1 Obtaining the PAIA Request Form

This form can be obtained by:

- Contacting the PHISC Information Officer.
- PHISC web site: www.phisc.net
- South African Human Rights Commission (SAHRC) web site: www.sahrc.org.za
- The Department of Justice (www.justice.gov.za) under “PAIA” and “forms”.

5.2 Completing the PAIA Request Form

- The Request Form must be completed in full.
- The requester must indicate which right is to be exercised or protected i.e. explain why the record requested is required for the exercise or protection of the aforementioned right:
- If the requester is acting on behalf of someone else, the signature of the other person as the one who is authorised the request to be made.
- The requester must state in which form (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the requester will only be given access to the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.

5.3 Fees payable

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- You will be notified 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.
- These fees are prescribed by law and can change from time to time. The fee for reproduction referred to in Section 52(3) of the Act prescribed in item 2 of part 3 of Annexure A.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.

5.4 Notice of decision regarding the request for access

- 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. One 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 requester is not satisfied s/he can approach the courts within 30 days.
 - PHISC does not have internal appeal procedures as such, the decision made by the Information Officer is final.
- You will be notified in writing whether your request has been approved or 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.

6. How the Act works and information published by the SAHRC

More information on how the Act works and all other information can be obtained from the SAHRC at:

- Postal address:
Private Bag X2700
Houghton
2041
 - Physical address:
Braampark Forum 3
33 Hoofd Street
Braamfontein
- Telephone: 011 - 877 3600
- Web: www.sahrc.org.za

There are also provincial SAHRC offices in all nine provinces.

7. Voluntary disclosure

The following information is readily available in the public domain on the PHISC web site (www.phisc.net):

- Agendas of meetings
- PHISC adopted standards

8. Records available in terms of other legislation

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. As legislation changes from time to time, and new laws may stipulate new manners and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

8.1 Business legislation (including all regulations 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; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; etc.

8.2 Health legislation (including all regulations in terms of such legislation):

The 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; Choice on Termination of Pregnancy Act 92 of 1996; Sterilization Act 44 of 1998; etc.

9. Records held by PHISC

The fact that information is held by PHISC and being listed in this manual should not be construed as conferring upon any requester a right to that information.

The fact that we list a record type here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

PHISC holds records in the following categories:

Internal records relating to our business which include our business's founding and other documents, minutes and policies, annual and other reports, financial records, operational records, policies and procedures, contracts, licenses and other intellectual property, marketing records, electronic distribution list, other internal policies and procedures, internal correspondence, statutory records; etc.

Personnel records which include records relating to contractors, partners and trustees. It includes personal files and similar records.

Member records which include member lists, member application forms, code of conduct, financial and accounts information.

Supplier and service provider records which include supplier registrations, contracts, communications, logs, commissioned work, and similar information.

Third party information which may be in our possession but which would be subject to the conditions set in relation to such possession.

10. Appendix A - PAIA FORM A - Request for Access to records of Public Body

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____

(name and surname of information officer / deputy information officer) on

Date at _____ place _____

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

Signature of information officer / deputy information officer

A. PARTICULARS PUBLIC BODY

The Information Officer/Deputy Information Officer:

B. PARTICULARS PERSON REQUESTING ACCESS TO THE RECORD

- a) *The particulars of the person who requests access to the record must be given below.*
 b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
 c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identify number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

Email address: _____

Capacity in which request is made, when made on behalf of another person: _____

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

Signature of information officer / deputy information officer

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

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

Full names and surname: _____

Identify number: _____

D. PARTICULARS OF RECORD

- a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*
- c) *The requester must sign all additional folios.*

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. FEES

- a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- b) *You will be notified of the amount required to be paid as the request fee.*
- c) *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.*
- d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. 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 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>		Form in which record is required:			
1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.					
	view the images		copy of the images *	transcription of the images *	
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)		
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* (stiffy ro compact disk)	
* If you requested a copy or transcription of a record (above), access <i>may be granted</i> in the language in which the record is available.				YES	NO
In which language would you prefer the record?					

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified 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 _____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

11. Appendix B - PAIA FORM C - Request for Access to records of Private Body

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

A. PARTICULARS PRIVATE BODY

The Head:

B. PARTICULARS PERSON REQUESTING ACCESS TO THE RECORD

- d) *The particulars of the person who requests access to the record must be given below.*
- e) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- f) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identify number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

Email address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

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

Full names and surname: _____

Identify number: _____

D. PARTICULARS OF RECORD

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. FEES

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- c) 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.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. 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 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>	<u>Form in which record is required:</u>
Mark the appropriate box with an X.	
NOTES:	
<ul style="list-style-type: none"> a) Compliance with your request in the specified form may depend on the form in which the record is available. b) 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. c) 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		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy of the images *	transcription of the images *	
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)		
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* (stiffy ro compact disk)	
* If you requested a copy or transcription of a record (above), access <i>may be granted</i> in the language in which the record is available.				YES	NO

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified 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 _____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE