PAIA Manual

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to

Corné Peach, Clinical Psychologist
And its subsidiaries

(hereinafter Corné Peach, Clinical Psychologist)

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

1.1. The Promotion of Access to Information Act, No. 2of 2000 (the "Act) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the "Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

1.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").

1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

2. Corné Peach, Clinical Psychologist

2.1 Clinical Psychologist in private practice, based in Johannesburg, South Africa. HOD(Pret) BA Psych(Hons)(Pret) M.A. Psych(Clin)(Unisa) Reg No. PS 0070912 Practice No. 0033006

3. PAIA MANUAL

3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Corné Peach, Clinical Psychologist 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.

3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitations aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality; and

3.3.3. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

4. CONTACT DETAILS OF THE MANAGING DIRECTOR [SECTION 51(1)(A)]

Managing Director:	
Registered Address:	
Postal Address:	
Telephone Number:	
Website:	

5. THE INFORMATION OFFICER [SECTION 51(1)(B)]

5.1. 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. Corné Peach, Clinical Psychologist 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.

5.2. 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. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

5.3. 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 Corné Peach, Clinical Psychologist as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

CONTACT DETAILS OF THE INFORMATION OFFICER

Information Officer:	
Physical Address:	
Telephone Number:	
Email:	

6. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1) (B))

6.1. The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

6.2. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

6.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

6.4. The contact details of the Commission are:

Contact body:	**The South African Human Rights Commission**
Physical Address:	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Telephone Number:	+27 11 877 3600
E-Mail:	PAIA@sahrc.org.za
Web Site:	www.sahrc.org.za

7. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)[SECTION 51(1)(C)]

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

8. SUBJECTS AND CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 51(1) (E))

8.1. Records held by Corné Peach, Clinical Psychologist

For the purposes of this clause 8.1, "Personnel" refers to any person who works for, receives service from or provides services to, or on behalf of Corné Peach, Clinical Psychologist and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of Corné Peach, Clinical Psychologist. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers and patients.

This clause serves as a reference to the categories of information that Corné Peach, Clinical Psychologist holds. The information is classified and grouped according to records relating to the following subjects and categories:

Personal Information

Data Subject	Information Held
Patients	Full name, ID/passport number, contact details, residential/postal address, medical aid details, appointment history
Employees	Name, ID number, contact details, address, employment history, bank details
Suppliers	Company name, contact person, VAT number, banking details

Special Personal Information (POPIA Section 26)

Data Subject	Special Information Held
Patients	Medical history, diagnoses, treatment records, medication details, lab results, mental health assessments, HIV/AIDS status
Employees	Occupational health records, disability status, injury on duty reports

Other Record Categories

Department	Records
HR	Contracts, leave records, disciplinary records
Finance	Invoices, payment records, tax documents
IT	Access logs, system backups, security protocols
Clinical	Patient files, referral letters, prescriptions

Purpose of Processing

- Provision of healthcare services
- Billing and claims administration
- Legal and regulatory compliance
- Employment and HR management
- Procurement and supplier management

Recipients of Information

- Medical schemes and insurers
- Laboratories and referral specialists
- Regulatory bodies (e.g. HPCSA, CMS)
- Auditors and legal advisors

8.2. Note that the accessibility of the 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 Corné Peach, Clinical Psychologist will consider access.

9. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

9.1. Records of a public nature, typically those disclosed on the Corné Peach, Clinical Psychologist website and in its various annual reports, may be accessed without the need to submit a formal application.

9.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

10. DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION (SECTION 51(1) (D))

10.1. Where applicable to its operations Corné Peach, Clinical Psychologist also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

a. Auditing Professions Act, No 26 of 2005;
b. Basic Conditions of Employment Act, No 75 of 1997;
c. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
d. Business Act, No 71 of 1991;
e. Companies Act, No 71 of 2008;
f. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
g. Competition Act, No.71 of 2008;
h. Constitution of the Republic of South Africa 2008;
i. Copyright Act, No 98 of 1978;
j. Customs & Excise Act, 91 of 1964;
k. Electronic Communications Act, No 36 of 2005;
l. Electronic Communications and Transactions Act, No 25 of 2002;
m. Employment Equity Act, No 55 of 1998;
n. Financial Intelligence Centre Act, No 38 of 2001;
o. Identification Act, No. 68 of 1997;
p. Income Tax Act, No 58 of 1962;
q. Intellectual Property Laws Amendment Act, No 38 of 1997;
r. Labour Relations Act, No 66 of 1995;
s. Long Term Insurance Act, No 52 of 1998;
t. Occupational Health & Safety Act, No 85 of 1993;

u. Pension Funds Act, No 24 of 1956;

v. Prescription Act, No 68 of 1969;

w. Prevention of Organised Crime Act, No 121 of 1998;

x. Promotion of Access to Information Act, No 2 of 2000;

y. Protection of Personal Information Act, No. 4 of 2013;

z. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002

aa. Revenue laws Second Amendment Act. No 61 of 2008;

bb. Skills Development Levies Act No. 9 of 1999;

cc. Short-term Insurance Act No. 53 of 1998;

dd. Trust Property Control Act 57 of 1988

ee. Unemployment Insurance Contributions Act 4 of 2002;

ff. Unemployment Insurance Act No. 30 of 1966;

gg. 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.*

10.2. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

11. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD OF Corné Peach, Clinical Psychologist (SECTION 51(1) (E))

11.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

11.2. The requester must complete the prescribed form enclosed herewith, and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 5 above.

11.3. The prescribed from must be filled in with sufficient information to enable the Information Officer to identify:

a. the record or records requested; and

b. the identity of the requester.

11.4. The requester should indicate which form of access is required and specify a postal address of fax number of the requester in the Republic;

11.5. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

11.6. Corné Peach, Clinical Psychologist will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.

11.7. The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

11.8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).

11.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

11.10. The requester must pay the prescribed fee, before any further processing can take place.

11.11. All information as listed in clause 11 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

12. REFUSAL OF ACCESS TO RECORDS

12.1. Grounds to Refuse Access

A private body such as Corné Peach, Clinical Psychologist is entitled to refuse a request for information.

12.1.1. The main grounds for Corné Peach, Clinical Psychologist to refuse a request for information relates to the:

a. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information

Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

b. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
c. mandatory protection of the commercial information of a third party (section 64) if the record contains:
    i. trade secrets of the third party;
    ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    iii. information disclosed in confidence by a third party to Corné Peach, Clinical Psychologist, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
d. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
e. mandatory protection of the safety of individuals and the protection of property (section 66);
f. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

12.1.2. The commercial activities (section 68) of a private body, such as Corné Peach, Clinical Psychologist, which may include:

a. trade secrets of Corné Peach, Clinical Psychologist;

b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Corné Peach, Clinical Psychologist;

c. information which, if disclosed could put Corné Peach, Clinical Psychologist at a disadvantage in negotiations or commercial competition;

d. a computer program which is owned by Corné Peach, Clinical Psychologist, and which is protected by copyright;

e. the research information (section 69) of Corné Peach, Clinical Psychologist or a third party, if its disclosure

would disclose the identity of Corné Peach, Clinical Psychologist, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

12.1.3. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

12.1.4. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

12.1.5. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

13. REMEDIES AVAILABLE WHEN CORNÉ PEACH, CLINICAL PSYCHOLOGIST REFUSES A REQUEST

13.1. Internal Remedies

Corné Peach, Clinical Psychologist does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

13.2. External Remedies

13.2.1. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.

13.2.2. A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

14. ACCESS TO RECORDS HELD BY CORNÉ PEACH, CLINICAL PSYCHOLOGIST

14.1. Prerequisites for Access by Personal/Other Requester

14.1.1. Records held by Corné Peach, Clinical Psychologist may be accessed by requests only once the prerequisite requirements for access have been met.

14.1.2. A requester is any person making a request for access to a record of Corné Peach, Clinical Psychologist. 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. Corné Peach, Clinical Psychologist will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will 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 requestCorné Peach, Clinical Psychologist 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.

Corné Peach, Clinical Psychologist is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite 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.

15. PRESCRIBED FEES (SECTION 51 (1) (F))

15.1. Fees Provided by the Act

15.1.1. The Act provides for two types of fees, namely:

a. A request fee, which is a form of administration fee to be paid by al! requesters except personal requesters, before the request is considered and is not refundable; and

b. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

15.1.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

15.1.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

15.1.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

15.1.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

15.1.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

16. REPRODUCTION FEE

16.1. Where Corné Peach, Clinical Psychologist has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Reproduction of Information Fees	**Fees to be Charged**
Information in an A-4 size page photocopy or part thereof	R I,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

16.2. **Request Fees**

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

16.3. **Access Fees**

16.3.1. An access fee is payable in all instances where a request for access to information is granted,

except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

Access 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: Stiffy disc Compact disc	 R 7,50 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 *Per hour or part of an hour reasonably required for such sea	R 30,00*

Where a copy of a record needs to be posted the actual postal fee is payable.

16.4. DEPOSITS

16.4.1. Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

16.4.2. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

16.5. **Collection Fees**

16.5.1. The initial "request fee" of R50,00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via fax.

16.5.2. The officer will collect the initial "request fee" of applications received directly by the Information Officer via email.

16.5.3. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

17. DECISION

17.1. **Time Allowed to Institution**

17.1.1. Corné Peach, Clinical Psychologist will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

17.1.2. The 30 (thirty) day period within which Corné Peach, Clinical Psychologist has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large number of information, or the request requires a search for information held at another office of Corné Peach, Clinical Psychologist and the information cannot reasonably be obtained within the original 30 (thirty) day period.

17.1.3. Corné Peach, Clinical Psychologist will notify the requester in writing should an extension be sought.

This Manual is for informative and educational 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 incorrect or inaccurate, that provision shall be enforced to the maximum extent permissible so as to affect the intent of the parties as reflected in that provision, and the remainder of the Manual shall continue in full force and effect. The section titles used in this 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.