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# PAIA Manual

CTMRI in terms of

Section 51 (as to be amended) of the Promotion of Access to Information Act (Act 2 of 2000)

read with Section 17 of the Protection of Personal Information Act (Act 4 of 2013)

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## 1. INTRODUCTION TO THE PRACTICE

CTMRI is a private radiology 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 radiological 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

3. **Address:** **CBM Hospital**, Ground floor, DF Malan Street, Foreshore, Cape Town,8001

4. **E-mail:** [info@capetownmri.co.za](mailto:info@capetownmri.co.za)

5. **Phone** +27 (0)21 276 2306

6. **Website:** <https://capetownmri.co.za/>

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## 7. GUIDE OF THE SA HUMAN RIGHTS COMMISSION

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

- 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.

Any person wishing to obtain the Guide may either access it through the website of the SAHRC at <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf> or should contact the Information Regulator at:

**Address:** 33 Hoofd Street  
Forum III, 3rd Floor Braampark  
Braamfontein  
Johannesburg

**Telephone:** +27 (0)82 746 4173

**E-mail address:** [infoforeg@justice.gov.za](mailto:infoforeg@justice.gov.za)

## 8. RECORDS

The practice holds the following categories of records:

### 8.1 Records relating to the form of practice and related matters:

Documents related to the establishment of the practice, such as documents required in terms of the Companies Act 71 of 2008 / a partnership agreement; governance documents (e.g. practice policies); minutes of meetings; practice code number registration-related documents and other related documents.

### 8.2 Management records:

Documentation relevant to the management structure and the management of the practice.

### 8.3 Records relating to the registration of practitioners working at the practice:

Proof of registration at the HPCSA and related documents.

### 8.4 Employment records:

Employment contracts; conditions of employment and work place policies; employment equity and skills development plans and reports; attendance register; salary and wage register; performance management records; collective agreements; documents related to disciplinary proceedings, arbitration awards as well as legal cases and cases at the Commission for Conciliation, Mediation and Arbitration (“CCMA”); expense accounts; relevant tax information and related records; medical scheme and pension fund membership records; records relevant to contracted staff; essential services’ permits; and information related to the membership of professional societies.

### 8.5 Patient records:

Records are kept in respect of all patient engagements, which include health information and other relevant personal information.

### 8.6 Patient management records:

Protocols, guidelines and related documentation in respect of the management of patients.

### 8.7 Clinical trial records:

Records related to participation in clinical trials.

### **8.8 Health and safety records:**

Evacuation plan; information related to the Health and Safety Committee / health and safety officer; and health and safety incident reports.

### **8.9 Financial records:**

Annual Financial Statements; auditor's reports; accounting records; bank statements; invoices, statements, receipts and related documents; VAT records; payments to the South African Revenue Services ("SARS"), other government bodies, staff and suppliers; and tax returns and related documentation.

### **9. Records related to assets:**

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; title deeds; mortgage bond documentation, debenture register; registers and records kept in terms of the Medicines and Related Substances Act 101 of 1965; stock sheets; delivery notes and orders; and sale and purchase agreements.

#### **9.1 Agreements:**

Agreements (and related documentation) with contractors, consultants, suppliers and vendors, including agreements with funders and agreements related to clinical trials.

#### **9.2 Records relating to legal processes:**

Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; settlement agreements; and legal opinions/advice.

#### **9.3 Insurance records:**

Insurance policies and related records, including in respect of professional indemnity cover; and claims records.

### **10. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

The practice is required to hold certain records in terms of the following legislation subject to the specific protection offered by these laws:

1. Basic Conditions of Employment Act 75 of 1997;

2. Children's Act 38 of 2005;
3. Companies Act 71 of 2008;
4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
5. Consumer Protection Act 68 of 2008;
6. Disaster Management Act 57 of 2002;
7. Electronic Communications and Transactions Act 25 of 2002;
8. Employment Equity Act 55 of 1998;
9. Hazardous Substances Act 15 of 1973;
10. Health Professions Act 56 of 1974;
11. Income Tax Act 58 of 1962;
12. Labour Relations Act 66 of 1995;
13. Medical Schemes Act 131 of 1998;
14. Medicines and Related Substances Act 101 of 1965;
15. Mental Health Care Act 17 of 2002;
16. National Health Act 61 of 2003;
17. Occupational Health and Safety Act 85 of 1993;
18. Promotion of Access to Information Act 2 of 2000;
19. Protection of Personal Information Act 4 of 2013;
20. Regulations governing private health establishments Provincial Notice 187 of 2001 of 22 June 2001 (Western Cape);
21. Road Accident Fund Act 56 of 1996;
22. Skills Development Levies Act 9 of 1999;
23. Skills Development Act 97 of 1998;
24. Unemployment Contributions Act 4 of 2002;
25. Unemployment Insurance Act 63 of 2001; and
26. Value Added Tax Act 89 of 1991.

#### **11. 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 without having to request access

in terms of PAIA. 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.

**12. PURPOSE OF PROCESSING PERSONAL INFORMATION**

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

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;
2. for treatment and care of patients, including referrals to other practitioners and reporting to referring practitioners;
3. for communication purposes;
4. for the maintenance of practice records and patients’ medical records;
5. for employment and related matters of employees and other practitioners;
6. for reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
7. for historical, statistical and research purposes;
8. for clinical trials;
9. for proof;
10. for enforcement of the practice’s rights; and/or
11. for any other lawful purpose related to the activities of a private radiology practice.

**13. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION**

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

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION

<p><b>Directors, shareholders and employees</b></p>	<p>Statutory records; shareholders / partnership agreement; employment / appointment records; statutory council registration records; salary and payment records; disciplinary conduct and related records; employment equity and skills development records; employment policies; leave records; tax records; medical certificates; Continuing Professional Development (“CPD”) and training records; correspondence</p>	<p>Names and surnames; Contact details e.g. address, telephone and e-mail addresses; identity numbers / dates of birth; race; gender; nationality; qualifications; statutory council registration numbers; registered profession; category of registration; employment history and information; position held and job description; banking details; relevant medical history; criminal behaviour; disciplinary conduct-related information; correspondence; records created in the performance of their duties; tax numbers and related tax information; leave records; remuneration; employment benefits; absenteeism information; next-of-kin details</p>	<p>SARS; relevant statutory and other public bodies; Board of Healthcare Funders of SA (“BHF”); Companies and Intellectual Property Commission (“CIPC”); funders; contractors and suppliers; patients; bodies performing peer review; banks; professional societies; vetting agencies hospitals; members of the public; auditors; executors of estates; purchaser of practice</p>
<p><b>Patients</b></p>	<p>Patient records, including medical records, financial arrangements, invoices, payment records and correspondence</p>	<p>Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses; identity numbers / dates of birth; race; gender; nationality; employers and</p>	<p>Funders; employers; debt collectors; treating practitioners; credit bureaus; bodies performing peer review; relevant statutory and</p>

		<p>their contact details; medical scheme-related information; names, surnames and contact details of next-of-kin; medical history, including details about injuries sustained; billing and payment-related information; procedures performed; diagnosis and procedure codes; radiological images and reports; referral notes; complaints and compliments; correspondence; patient forms</p>	<p>public bodies; hospitals; next-of-kin; executors of estates; purchaser of practice</p>
<b>Practitioners referring patients to the practice</b>	<p>Referral notes; correspondence</p>	<p>Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses and practice code numbers of practitioners</p>	<p>Funders; relevant statutory and public bodies; hospitals; bodies performing peer review; purchaser of practice</p>
<b>Other contractors, vendors and suppliers</b>	<p>Agreements with contractors, vendors and suppliers; non-disclosure agreements; debt collection agreements; legal opinions and advice; invoices; correspondence</p>	<p>Names and surnames; organisation names and detail; relevant staff / office bearer details; contact details e.g. addresses, telephone numbers, e-mail addresses, website addresses; opinions; correspondence; track records; price structures; financial arrangements</p>	<p>Banks; auditors; legal advisers; funders; purchaser of practice</p>

<b>Insurers</b>	Insurance policies; payment of premiums; claims' records and related documents	Names and contact details e.g. addresses, telephone numbers, e-mail addresses; premiums; correspondence	Auditor; legal advisers; relevant public bodies; purchaser of practice
<b>Public and statutory bodies (e.g. HPCSA)</b>	Complaints submitted to the relevant statutory bodies and related documents; correspondence; newsletters and circulars issued by these bodies; statutory information, including legislation; payment records	Names; contact details e.g. addresses, telephone numbers, e-mail addresses; office bearers; fee structures; correspondence	Funders; patients; purchaser of practice
<b>Medical schemes and other funders</b>	Claims; remittance advices; contracts; correspondence; rules; policy provisions	Relevant staff / office bearer details; contact details e.g. address, telephone numbers, e-mail addresses; correspondence	Patients; debt collectors; purchaser of practice
<b>Hospitals</b>	Correspondence	Names; contact details e.g. address, telephone numbers, e-mail address and practice code number	Funders; patients; purchaser of practice

#### 14. PLANNED TRANS BORDER FLOWS OF PERSONAL INFORMATION

The practice stores electronic information, including personal information of data subjects, in the 'cloud', the servers of which may be located outside of the borders of the Republic of South Africa ("RSA"). Due care is taken in the

selection of appropriate cloud service providers to ensure compliance with the Protection of Personal Information Act (“POPIA”) 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, where possible, and transfers of such information will occur in accordance with the requirements of the law.

## 15. 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; server access control; 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. Contractors 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.

## 16. 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 attached to this Manual as **Annexure A**, and pay the prescribed fees as referenced below. The request form is also available from -

- the Information Officer of the practice at the contact details stipulated above; 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.

#### **17. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION**

The fees for requesting and accessing information and records held by the practice are prescribed in terms of PAIA. The fees payable, which may be amended from time to time in accordance with notices published in the Government Gazette, are attached hereto as **Annexure B**. Details of the fees payable and any change to such fees may be obtained from the Information Officer. The fees are also available on the website of the Information Regulator. A requester may be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

#### **18. 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 the appropriate fee, which may be obtained from the Information Officer.

## ANNEXURE A: INFORMATION AND RECORD REQUEST FORM

[https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)

## ANNEXURE B: FEES

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>



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Ground floor, DF Malan Street, Foreshore 8001

☎ 021 276 2306

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