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PAIA Manual
of
RICHARDSON UDARAJH & PARTNERS INC.

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)

Table of Contents

1. INTRODUCTION TO THE PRACTICE	3
2. CONTACT DETAILS	3
3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION	3
4. RECORDS	4
5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION.....	5
6. RECORDS AUTOMATICALLY AVAILABLE	6
7. PURPOSE OF PROCESSING PERSONAL INFORMATION	7
8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION ..	7
9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION	10
10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION	10
11. PROCEDURE TO OBTAIN ACCESS TO RECORDS OR INFORMATION.....	10
12. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION	11
13. AVAILABILITY OF THIS MANUAL	11
ANNEXURE A: INFORMATION AND RECORD REQUEST FORM	12

1. INTRODUCTION TO THE PRACTICE

Richardson Udarajh & Partners Inc. 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 with 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

Practice Name: Richardson Udarajh & Partners Inc.

Registration Number: HPCSA 0109126

Information Officer: Dr Mark Richardson

Physical Address: Suite 8, Netcare The Bay Hospital, 6 Krugerrand Road, Richards Bay, 3900

Postal Address: P. O. Box 1819, Richards Bay, 3900

Telephone Number: 035 901 9900

E-mail address: admin@rbxray.co.za

Website address: www.rbxray.co.za

3. 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: infoereg@justice.gov.za

4. RECORDS

The practice holds the following categories of records:

4.1 Records relating to the form of practice and related matters:

Documents required in terms of the Companies Act 71 of 2008; practice policies; minutes of meetings; relevant registration-related documents and other related documents.

4.2 Records relating to the registration of practitioners working at the practice:

Proof of registration at the HPCSA and other related bodies and related documents.

4.3 Employment records:

Employment contracts; conditions of employment and work place policies; employment equity and skills development plans and reports; attendance registers; salary and wage records; performance management records; 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.

4.4 Patient records:

Records are kept in respect of all patient engagements, which include health information and other relevant personal information. This also includes records of all financial transactions.

4.5 Patient management records:

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

4.6 Health and safety records:

Evacuation plan; information related to the Health and Safety Committee and related documents.

4.7 Financial records:

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

4.8 Records related to assets:

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; title deeds; mortgage bond documentation; 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.

4.9 Agreements:

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

4.10 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.

4.11 Insurance records:

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

5. 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.

6. 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.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. to conduct and manage the private radiology practice in accordance with the relevant laws, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients, responsible persons or entities;
2. for treatment and care of patients;
3. for the maintenance of practice records and patients' medical records;
4. for employment and related matters of employees and other practitioners;
5. for reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
6. for any other lawful purpose related to the activities of a private radiology practice.

8. 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
Directors, shareholders and employees	Statutory records; shareholders agreement; employment / appointment records; statutory council registration records; salary and payment records; disciplinary conduct and related records; employment equity and skills development records;	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; banking details;	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; banks; professional societies; hospitals and auditors.

	employment policies; leave records; tax records; medical certificates; Continuing Professional Development (“CPD”) and training records.	relevant medical history; 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 and next-of-kin details.	
Patients	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence.	Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses; identity numbers / dates of birth; race; gender; nationality; employers and 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 (including prior imaging from other service providers); referral notes; complaints and compliments; correspondence; patient forms.	Funders; employers; debt collectors; treating practitioners; other radiologists; credit bureaus; Compensation Fund and collection agency; hospital; next-of-kin and executors of estates

Practitioners referring patients to the practice	Referral notes and correspondence.	Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses and practice code numbers of practitioners.	Funders; relevant statutory and public bodies; hospitals; other radiologists and Compensation Fund and collection agency.
Other contractors, vendors and suppliers	Agreements with contractors, vendors and suppliers; non-disclosure agreements; debt collection agreements; legal opinions and advice; invoices and correspondence.	Names and surnames; organisation names and details; relevant staff / office bearer details; contact details e.g. addresses, telephone numbers, e-mail addresses, website addresses; opinions; correspondence; track records; price structures and terms of arrangements.	Banks; auditors; legal advisers and SARS.
Insurers	Insurance policies; payment of premiums; claims' records and related documents.	Names and contact details e.g. addresses, telephone numbers, e-mail addresses; premiums and correspondence.	Auditor; legal advisers and suppliers.
Public and statutory bodies (e.g. HPCSA)	Complaints submitted to the relevant statutory bodies and related documents; correspondence; newsletters and circulars issued by these bodies; statutory information, including legislation and payment records.	Names; contact details e.g. addresses, telephone numbers, e-mail addresses; office bearers; fee structures and correspondence.	Funders and patients.

Medical schemes and other funders	Claims; remittance advices; contracts; correspondence; rules and policy provisions.	Relevant staff / office bearer details; contact details e.g. address, telephone numbers, e-mail addresses and correspondence.	Patients and hospital.
Hospitals	Patient records and Correspondence.	Names; contact details; patient details including authorisation numbers and diagnosis codes.	Funders and patients.

9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

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, the relevant data subject consent will be obtained, where possible, and transfers of such information will occur in accordance with the requirements of the law.

10. 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. 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. These practitioners and employees are required to maintain the confidentiality of the information. Contractors are required to adhere to the strict policies and processes implemented by the practice. All security breaches are taken seriously and are addressed in accordance with the law.

11. 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.

12. 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. Details of the fees payable, which may be amended from time to time in accordance with notices published in the Government Gazette, 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.

13. 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



J752

REPUBLIC OF SOUTH AFRICA

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 of private body

The Head:

[Large empty light blue rectangular area for providing particulars of the private body]

B. Particulars of 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: [Light blue input field]

Identity number: [Grid of 13 boxes for ID number]

Postal address: [Light blue input field]

Telephone number: (.....) [Light blue input field] Fax number: (.....) [Light blue input field]

E-mail address: [Light blue input field]

Capacity in which request is made, when made on behalf of another person:
[Light blue input field]

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: [Light blue input field]

Identity number: [Grid of 13 boxes for ID number]

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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.

Disability: <input style="width: 90%;" type="text"/>	Form in which record is required: <input style="width: 90%;" type="text"/>
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request for access 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)

*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 <input type="checkbox"/>	NO <input type="checkbox"/>
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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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE