

Birkett Legrand Chiropractic Center



PAIA MANUAL

in terms of

Section 51

of

The Promotion of Access to Information Act 2 of 2000

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1. INTRODUCTION TO THE PRACTICE

Birkett-Legrand Chiropractic Centre is a private chiropractic practice, which is conducted in accordance with the requirements of the Allied Health Professions Act (Act 63 of 1982) and is subject to the authority of the Allied Health Professions Council of South Africa (AHPCSA). The practitioners practising at the practice are registered with the AHPCSA and provide chiropractic services within the scope and ambit of their registration, competence and training at the practice. The practitioners are bound by the Ethical Rules issued by the AHPCSA, most notably the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

2. CONTACT DETAILS (Section 51(1)(a) of PAIA)

Practice Name: Birkett Legrand Chiropractic Center

AHPCSA Registration Number: A 00473; A 04424

Head of the Practice: Dr. Barry Birkett and Dr Regine Legrand

Information Officer: Dr Régine Legrand

Physical Address: 65 Bermuda Drive, Wingate Heights, Sunnydale 7975

Postal Address: as above

Telephone Number: 021 7851758/ 0664437417

E-mail address: blchiro@chiropractorcapetown.co.za

Website address: www.chiropractorcapetown.co.za

3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION (Section 51(1)(b)(i))

The SA Human Rights Commission (SAHRC) has, in terms of section 10 of the Promotion of Access to Information Act (PAIA), developed a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA, which guide has been updated by the Information Regulator. This Guide 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; • Assistance available from the Information Regulator; • 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. The Guide is available on the Information Regulator's website at <http://www.justice.gov.za/infoereg>. Copies of the Guide can also be obtained from the Information Regulator of which the contact details are included in the Guide. Enquiries regarding the Guide can be addressed to the Information Regulator of which the contact details are as follows:

SALU Building

316 Thabo Sehume Street

Pretoria

Telephone: 012 406 4818; Fax: 086 500 3351; E-Mail: infoereg@justice.gov.za

4. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

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

1. Allied Health Professions Act (Act 63 of 1982);
2. Basic Conditions of Employment Act (Act 75 of 1997);
3. Children's Act (Act 38 of 2005);
4. Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993);
5. Consumer Protection Act (Act 68 of 2008);
6. Electronic Communications and Transactions Act (Act 25 of 2002);
7. Employment Equity Act (Act 55 of 1998);
8. Income Tax Act (Act 58 of 1962);
9. Labour Relations Act (Act 66 of 1995);
10. Medical Schemes Act (Act 131 of 1998);
11. Mental Health Care Act (Act 17 of 2002);
12. National Credit Act (Act 34 of 2005);
13. National Health Act (Act 61 of 2003);
14. Occupational Health and Safety Act (Act 85 of 1993);
15. Promotion of Access to Information Act (Act 2 of 2000);
16. Protection of Personal Information Act (Act 4 of 2013);
17. Road Accident Fund Act (Act 56 of 1996);
18. Skills Development Levies Act (Act 9 of 1999);
19. Skills Development Act (Act 97 of 1998);
20. Unemployment Contributions Act (Act 4 of 2002);
21. Unemployment Insurance Act (Act 63 of 2001); and
22. Value Added Tax Act (Act 89 of 1991).

5. SCHEDULE OF RECORDS

The practice holds the following categories of records:

- Records related to the Birkett-Legrand Chiropractic Center and related matters
- Records related to the registration of practitioners working at the practice
- Employment records
- Financial records
- Tax and Vat records
- Patient records. Records are kept in respect of all patients consulted at the practice, which include their medical history, treatment and relevant financial arrangements.
- Insurance records

6. RECORDS AUTOMATICALLY AVAILABLE

The information on the website of the practice is automatically available without having to request access in terms of PAIA.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. Conducting a private chiropractic practice in terms of the law, including the administration of the practice and claiming payment for services rendered to patients;
2. Treatment and care of patients which requires proper record keeping;
3. Employment and related matters of staff and other practitioners;
4. Reporting to persons and bodies as required and authorised in terms of the law or by the data subjects.

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 required 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
Partners and employees	Proof of registration and payment fees to the AHPCSA; employment contracts, confidentiality forms, records and policies; payroll records; Leave records; tax records, including PAYE, UIF (Unemployment Insurance Fund) and SDL (Skills Development Levies) return and related records; correspondence with the AHPCSA, Continuing Professional Development (CPD) events, certificates and 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 professions; Banking details; Tax numbers; Remuneration; Correspondence	SA Revenue Services (SARS); Relevant statutory bodies such as the Allied Health Professions Council of SA (AHPCSA); Companies and Intellectual Property Commission (CIPC); Contractors and vendors; Relevant public bodies, including government departments; Banks; Vetting agencies; Members of the public

Other contractors , vendors and suppliers	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Legal opinions and advice; Invoices; Correspondence	Names and surnames; Organization names and details; Relevant staff / office bearer details; Contact details e.g. address, telephone, e-mail addresses, website addresses; Correspondence; Price structures; Financial arrangements	Banks; Auditors; Legal advisers; Members
Insurers	Insurance policies; professional indemnity and related documents	Names and contact details e.g. addresses, telephone numbers, email addresses; premiums; correspondence	Auditors; Legal advisers; Relevant public bodies; membership
Public Bodies and Statutory Bodies (e.g. AHPCSA)	Complaints submitted to the relevant statutory bodies and related documents; Correspondence; Newsletters and circulars issued by these bodies and councils; Payment of fees	Names; Contact details e.g. addresses, telephone numbers, e-mail addresses; Office bearers; Fee structures; Correspondence	Members; Members of the public
Medical Schemes	Correspondence; Rules	Relevant staff / office bearer details; Contact details e.g. addresses, telephone and fax numbers, e-mail addresses; Correspondence	Members

Patients	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence	Names and surnames; contact details e.g. address, telephone, e-mail addresses; Identity numbers / dates of birth; gender; nationality; employers and their contact details; medical schemes, medical scheme options and dependant status; medical history, including details about injuries sustained; fees charged, payments received and payment history; diagnosis / suspected diagnosis; procedures performed; treatment administered; diagnosis and procedure codes; referral letters to other health care practitioners / hospitals containing relevant information; reports from other practitioners, including X-rays, scans, sonars, pathology results and related reports; complaints lodged; consent forms; correspondence;	Medical schemes; medical scheme administrators; managed care organisations; insurers; employers; debt collectors; practitioners to whom patients are referred; credit lists ('blacklists'); bodies performing peer review; statutory / governmental bodies e.g. AHPCSA when responding to complaints, Compensation Commissioner, RAF; other relevant treating health care practitioners; next-of-kin
Practitioners referring patients to the practice or to whom patients are referred by the practice	Referral notes; reports from health care practitioners involved in the care of the patients; correspondence	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses and practice code numbers of practitioners	Medical schemes; managed care organisations; governmental bodies e.g. AHPCSA when responding to complaints, Compensation Commissioner, RAF; bodies performing peer review

9. PLANNED TRANSBORDER FLOW OF PERSONAL INFORMATION

The practice is not planning to send any personal information about any data subject across the borders of the Republic of South Africa to third parties in foreign countries. Should this be required, 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 takes the privacy of persons seriously and is therefore committed to ensuring that personal information in its possession or under its control is secure. To prevent unauthorised access or disclosure of information, appropriate physical, electronic and managerial procedures have been implemented to safeguard and secure the information. For example, access to information is controlled and only persons requiring the information for the treatment, care and invoicing of patients as well as the administration of the practice have access to the information. Access to electronic records is password controlled. A privacy policy

has been implemented to ensure that personal information is processed and stored strictly in accordance with the law and all persons who have access to that information are aware of their responsibilities. Records are maintained in a structured filing system for as long as it is necessary in accordance with the relevant laws. A risk assessment of the organisational and technical processes and procedures is conducted on a regular basis to ensure a continuous monitoring and enhancement of security measures in the practice. Practitioners, other staff and 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.

11. PROCEDURE TO OBTAIN ACCESS TO THE 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 fees specified in PAIA, attached hereto as Annexure B.

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. If the requester cannot complete the prescribed form, then an oral request may be made. 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. PRESCRIBED FEES

The fees for requesting and accessing information and records held by the practice are prescribed in terms of PAIA. A requester (other than a personal requester) is required to pay the prescribed fee of R50 before a request will be processed. 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 also be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

13. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT

Personnel Records

For the purposes of this Manual, "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 assists 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.

- Personal records provided by personnel.
- Records provided by a third party relating to personnel.
- Conditions of employment and other personnel-related contractual and quasi-legal records.
- Internal evaluation records and other internal records.
- Correspondence relating to personnel.
- Training schedules and material.

Patient-Related Records

For the purposes of this Manual, “Patient” refers to any natural person that receives treatment from the practice.

- Records provided by a patient to a third party acting for or on behalf of the practice.
- Records provided by a third party.
- Records generated by or within the practice relating to its patients, including transactional records.

Private Body Records

- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records

Internal Correspondence

These records include but are not limited to, the records which pertain to the practices’ own affairs.

- Product records
- Statutory records
- Internal Policies and Procedures
- Records held by officials of the institution

Other Party Records

- Personnel, patient or private body records which are held by another party, as opposed to the records held by the practice itself.
- Records held by the practice pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- The practice may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the practice.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Deloitte South Africa will consider access.

14. REMEDIES AVAILABLE WHEN THE PRACTICE REFUSES A REQUEST FOR INFORMATION

Internal Remedies

- As a Private Body, the practice does not have an internal appeal procedure. 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.

External Remedies

- A requestor that is dissatisfied with the information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.
- 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.

15. MANUAL AVAILABILITY

A copy of this Manual is available for inspection, free of charge, at the practice. 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. The practice will update this PAIA Manual at such intervals as it may be deemed necessary.

Signature of the Head of the Practice / Information Officer

Date:_____

Annexure A

Any person, who would like to request access to any of the above records or information, is required to complete a request form, and pay the fees.

Follow the link below to access the necessary forms on the Information Regulator Website

[PAIA Forms](#)

Annexure B

Item	Description	Amount
1	Request fee, payable by every requester	R140.00
2	Photocopy or printed black & white copy for every A4 page	R 2.00 per page or part of the page
3	Printed copy of A4-size page	R2.00 per page or part of the page
4	For a copy in a computer-readable form on: • a flash drive (provided by the requester) • a compact disc (CD) if the requester provides the CD to us • a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
5	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7	For a transcription of an audio record, per A4-size page	R24.00
8	For a copy of an audio record on a flash drive (provided by the requester) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
9	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11	Postage, email or any other electronic transfer	Actual expense, if any.