

Information Manual
for
Lake, Smit and Partners Inc

in terms of

Section 51

of the

Promotion of Access to Information Act 2 of 2000

and

Section 17

of the

Protection of Personal Information Act 4 of 2013

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1. INTRODUCTION TO THE PRACTICE

This 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 at the practice. The practitioners are bound by the Ethical Rules issued by the HPCSA, most notably the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

2. CONTACT DETAILS

Practice Name :	Lake,Smit and Partners Inc
Registration Number:	2003/031449/21
Head of the Practice:	Dr Peter Mercouris
Information Officer:	Beryl Naidoo
Physical Address:	3 rd Floor, Suite 327, The Atrium, 430 Peter Mokaba Road, Durban
Postal Address:	Private Bag X08, Overport, 4067
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Website address:	www.lakesmit.co.za

3. THE GUIDE OF THE SA HUMAN RIGHTS COMMISSION

The SA Human Rights Commission (SAHRC) has, in terms of section 10 of the Promotion of Access to Information Act 2 of 2000 (PAIA), developed a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. 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 Information Officers and the SAHRC;
- 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 SAHRC's website at www.sahrc.org.za. Copies of the Guide can also be obtained at all the SAHRC's provincial offices of which the contact details are included in the Guide. Enquiries regarding the Guide can be addressed to the SAHRC of which the contact details are as follows:

Postal Address:	Private Bag X2700, Houghton, 2041
Telephone Number:	011 877 3803 / 3600
Fax Number:	011 403 0625
E-mail:	lidlamini@sahrc.org.za

4. RECORDS

The practice holds the following categories of records:

CATEGORIES OF RECORDS	DOCUMENT TYPE
Records relating to the form of practice and related matters	Documents pertaining to a personal liability company as required by the Companies Act 71 of 2008, including, but not limited to the prescribed certificates, memorandum of incorporation, forms and registers of directors and shareholders, company rules, minute books, resolutions and shareholders' agreements; Practice code number and related records
Records relating to the registration of practitioners working at the practice	Registration certificates at the HPCSA and related documents; Proof of payment of registration and annual fees to the HPCSA
Employment records	Employment contracts; Conditions of employment and work place policies such as leave policies; Employment equity and skills development plans and reports; Salary and wage register; Performance management records; Documents related to disciplinary proceedings, arbitration awards, CCMA (Commission for Conciliation, Mediation and Arbitration) and other legal cases; Expense accounts; Relevant tax records and information pertaining to employees; <i>Locum</i> contracts and related documents and records; Contracted staff lists
Pension / Retirement fund and medical scheme records	Pension/retirement fund and medical scheme rules; Records relevant to pension / retirement fund and medical scheme members, including payment of contributions
Financial records	Annual Financial Statements, including directors' reports; auditor's reports; Accounting Records; Bank statements; Invoices, statements, receipts and related documents
Tax and VAT records	Copies of tax returns and documents relating to income tax and VAT, including payments made and VAT registration
Patient records	Records are kept in respect of all patients consulted at the practice, which include their medical history, treatment and relevant financial arrangements
Health and safety records	Evacuation plan; Information related to the Health and Safety Committee / Officer; Health and safety incident reports
Records related to property (movable and immovable)	Finance and lease agreements; Asset register; Title deeds; Mortgage Bonds; Debenture register; Registers and records kept in terms of the Medicines and Related Substances Act 101 of 1965; Stock sheets; Delivery notes and orders; Sale agreements; Purchase agreements
Other Agreements	Managed care and medical scheme agreements; Information Technology (IT) agreements (software and hardware); Agreements concerning provision of services or materials and clinical trials; Agreements with contractors and suppliers
Records relating to legal processes	Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; Settlement agreements; Legal opinions/advice
Insurance records	Insurance policies, including professional indemnity insurance policies and related records; Claims records

5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The practice is required to hold certain records in terms of the following legislation:

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. Electronic Communications and Transactions Act 25 of 2002;
7. Employment Equity Act 55 of 1998;
8. Hazardous Substances Act 15 of 1973;
9. Health Professions Act 56 of 1974;
10. Income Tax Act 58 of 1962;
11. Labour Relations Act 66 of 1995;
12. Medical Schemes Act 131 of 1998;
13. Medicines and Related Substances Act 101 of 1965;
14. Mental Health Care Act 17 of 2002;
15. National Health Act 61 of 2003;
16. Nursing Act 33 of 2005;
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. Road Accident Fund Act 56 of 1996;
21. Skills Development Levies Act 9 of 1999;
22. Skills Development Act 97 of 1998;
23. Unemployment Contributions Act 4 of 2002;
24. Unemployment Insurance Act 63 of 2001; and
25. 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 Constitutional Development 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.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. Conducting of a private radiology 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;
3. Employment and related matters of staff and other practitioners; and
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
Directors, shareholders and employees	Proof of registration at and payment of fees to the HPCSA; Employment/ <i>locum</i> contracts, records and policies; Insurance policies; Complaints; Disciplinary and court proceedings; Employment equity and skills development plans and records; Salary and payroll records; Leave records; Tax records, including PAYE, UIF (Unemployment Insurance Fund) and SDL (Skills Development Levies) returns and related records; Correspondence with the HPCSA, insurers and other persons / bodies; Medical certificates; Continuing Professional Development (CPD) / training events, certificates and records	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; Race; Gender; Nationality; Qualifications; HPCSA registration numbers; Registered profession; Category of registration; Employment history and information; Position held; Banking details; Relevant medical history; Criminal behaviour and history; Correspondence; Notes, reports and records created by these data subjects in respect of patients; Tax numbers, returns and certificates; Leave periods; Medical certificates; Remuneration; Employment benefits; Absenteeism information; Next-of-kin details	SA Revenue Services (SARS); Relevant statutory bodies such as the HPCSA and Council for Medical Schemes (CMS); Board of Healthcare Funders of SA (BHF); Companies and Intellectual Property Commission (CIPC); Medical schemes; Contractors and vendors; Patients; Relevant public bodies, including government departments, e.g. Compensation Commissioner, Road Accident Fund (RAF), UIF, Department of Labour; Banks; Professional societies; Vetting agencies (e.g. of qualifications); Hospitals
Other contractors, vendors and suppliers, e.g. BHF, IT vendors, claims switching companies, auditors, legal counsel, consultants, debt collectors	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt Collection Agreements; Legal opinions and advice; Invoices; Correspondence	Names and surnames; Company names; Relevant staff details; Contact details e.g. address, telephone and fax numbers, e-mail addresses, website addresses; Opinions; Correspondence; Track records; Price structures; Financial arrangements	Banks; Auditors; Legal practitioners; Medical schemes
Insurers	Insurance policies; Payment of premiums; Claims' records and related documents	Names and contact details e.g. addresses, telephone and fax numbers, e-mail addresses; Premiums	Auditors; Legal practitioners; Relevant public bodies
DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION

Patients	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; Race; Gender; Nationality; Employers and their contact details; Medical schemes, medical scheme options and dependant status; Name, surname and contact details of a relative / friend; Medical history, including details about injuries sustained; Fees charged, payments received and payment history; Diagnosis / suspected diagnosis; Procedures performed; Diagnosis and procedure codes; Radiological images (X-rays, scans and sonars) and reports; Referral notes; Complaints lodged; Correspondence; Patient information forms; Consent forms; Prescriptions; Medical certificates	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. HPCSA when responding to complaints, Compensation Commissioner, RAF; Hospitals; Other relevant treating health care practitioners; Next-of-kin
Practitioners referring patients to the practice	Referral notes; 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. HPCSA when responding to complaints, Compensation Commissioner, RAF; Hospitals; Bodies performing peer review
Medical Schemes / Insurance Companies	Claims; Remittance advices; Contracts; Correspondence; Scheme rules; Policy provisions	Contact details e.g. addresses, telephone and fax numbers, e-mail addresses	Patients; Debt collectors
Hospitals	Correspondence	Names; Contact details e.g. addresses, telephone and fax numbers, e-mail addresses and practice code numbers of hospitals	Medical schemes; Statutory / Governmental bodies e.g. HPCSA when responding to complaints
Public Bodies (e.g. Department of Health, RAF, Compensation Commissioner, UIF) and Statutory Bodies (e.g. HPCSA, CMS)	Complaints submitted to 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 and fax numbers, e-mail addresses; Office bearers; Fee structures	Medical schemes; Patients

9. PLANNED TRANSBORDER FLOWS 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, patient 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. In order 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 prescribed by PAIA, which is available from the Information Office or the SAHRC at the contact details stipulated above, and pay the prescribed fees.

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. A requestor (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, which are available from the Information Office or the SAHRC at the contact details stipulated above. 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. AVAILABILITY OF THIS MANUAL
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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.

Signature of the Head of the Practice / Information Officer

Date