



RIVERVIEW MANOR

SOUTH AFRICA'S PREMIER SPECIALIST CLINIC

GOSSTRUST HEALTHCARE



MANUAL - PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act") and the Protection of Personal Information Act, 2013 (Act no 4 of 2013). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and/or held by a private person or entity where such information is required to protect a requester's rights.

OVERVIEW

Riverview Manor is a Private Company in terms of the provisions of the Companies Act, 2008. This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal authorised in the Act, be disclosed after evaluation of a request for access application being made in terms of the Act.

AVAILABILITY OF THIS MANUAL

A copy of this manual is available -

- At our reception desk at our office / offices at Riverview Manor, 1 Umzimkulu Road, Underberg and Choose Life, 97 Windmill Road, Musgrave Durban.
- On request from our Information Officer, details below.
- On our website: www.Riverviewmanor.co.za or www.Chooselifesa.co.za
- From the South African Human Rights Commission ("SAHRC") or once the Protection of Personal Information Act, 2013 ("POPI Act") comes into effect, from the Information Regulator: <https://www.justice.gov.za/infoereg/index.html>

This Manual will be updated from time to time, as and when required.

OUR INFORMATION OFFICER

Our Information Officer is: Malcolm Young; General Manager; Tel nr 033 7011 911; E-mail generalmanager@riverviewmanor.co.za



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Props: Vernon Goss family Trust • Vat No.: 4800166995 • Registration: 1990/001836/07 • Prac No.: 5709008

Choose Life



Our Deputy-Information Officer is: Meryl Blore; Quality Control; Tel nr 033 701 1911; E-mail quality@riverviewmanor.co.za: or Tracy Whitmill; Admin Manager; Tel nr 031 201 2181; email tracy@chooselifesa.co.za

HOW TO REQUEST ACCESS TO RECORDS HELD BY RIVERVIEW MANOR / CHOOSE LIFE

Requests for access to records held by the Scheme must be made on the request form that are attached to this Manual or available from our website or offices, or from <https://www.riverviewmanor.co.za/wp-content/uploads/2021/11/Annexure-A-Request-for-access-to-record-of-private-body.docx>., also attached hereto as Annexure A, (“Request Form”).

When a record is requested, the following will apply:

- Fees may be payable as prescribed by the PAIA Regulations.
- The Request Form must be completed by the Requester.
- On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information and WHY access to the information is required.
- If the requester is acting on behalf of someone else, the signature of the other person as the one who has authorised the request, must be provided. In order to verify this, the Company may require further proof such as an identify document or may call the person whose information it is to verify that s/he has given permission for the other person to access the information on his/her behalf.
- The requester must state in which format (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the requester will only be able to access the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.
- The Request will be acknowledged.
- An answer will be provided within 30 days, and if not granted, state the reasons for the denial with reference to the specific provisions in the Act.
- If the Requester is not satisfied, s/he may approach the courts within 30 days after the full or partial denial of access to the records.

HOW THE PROMOTION OF ACCESS TO INFORMATION ACT WORKS

Section 50 of the Act provides that a requester may be provided 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, to access to a record of a private body for the exercise or protection of any rights, other than its rights, it must be acting in the public interest.

Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided.

For further information on the Act and how it works, a Guide developed by the Human Rights Commission and to be updated from time to time by the Information Regulator will be published by the Information Regulator from time to time.





VOLUNTARY DISCLOSURE

The following information is made known automatically [insert for example documents on websites, price lists, terms and conditions forms, brochures, leaflets, etc and where such documents are available] and persons do not have to fill out a form to request such information:

- Public Services Information – www.riverviewmanor.co.za or www.chooselifesa.co.za
- Media Releases – www.riverviewmanor.co.za or www.chooselifesa.co.za
- Marketing, Brochures – the offices of Riverview Manor or Choose Life

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of the following legislation, subject to conditions set by such laws. As legislation changes from time to time, and new laws may stipulate new matters and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

Business legislation (including all regulations issued in terms of such legislation):

Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Disease Act 130 of 1993; Occupational Health and Safety Act of 85 of 1993; Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Protection of Personal Information Act 4 of 2013; etc.

Health legislation (including all regulations issued in terms of such legislation): (This legislation is of extreme relevance in the health sector and Requesters should familiarise themselves with it.

The National Health Act 61 of 2003; Companies Act 121 of 1998; Medicines and Related Substances Act 101 of 1965; Children's Act 38 of 2005; Mental Healthcare Act 17 of 2002; Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; Health Professions Act 56 of 1974; etc.

RECORDS HELD BY RIVERVIEW MANOR / CHOOSE LIFE AND RELATED CATEGORIES OF DATA SUBJECTS

We hold records in the categories listed below. The fact that we list a record type here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Internal records relating to our business as a Company, which includes our founding and other documents (e.g. registration as a Company), minutes and policies; annual and other reports; financial records; claims records; reimbursement records; records submitted to the CMS; scheme application forms, appeals and complaints / disputes; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other





internal policies and procedures; internal correspondence; statutory records; insurance policies and records; records relating to the Trustees and the Principal Officer; etc.

Personnel (employee) records, which includes records of temporary/fixed term/part-time/permanent employees, locums, associates, contractors, partners, directors (executive and non-executive). Records include personal files, records third parties have provided to us about their / our staff; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related correspondence.

Health records, which includes motivations, chronic forms, etc; client/patient lists; medical reports; funding records; consents; needs assessments; financial and accounts information; research information; actuarial information; profiling; and similar information. It must be noted that, in the health sector, personal-, health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.

Supplier and service provider records, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service- and other contacts.

SAHPRA and Technical records, which includes applications, approvals, updates on products and licences, manuals, logs, electronic and cached information, health professional council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

Third party information, which may be in our possession, but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

Environment and market information, which include information bought; publicly available information; commissioned information which pertains to the specific sector and market of our business and factors that affect the business; information relating to professional and healthcare environment.

CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION

We may share relevant personal and health information with our Operators, i.e. those who manage parts of our business on our behalf. [add others, e.g. SAHPRA...]

PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Company does not have any planned trans-border flow of personal information.

PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

The purpose of processing the information contained in the records listed above, is:





In relation to the business/internal records: For good corporate governance and to comply with business-, financial-, Companies- and tax legislation.

In relation to Employees: for retention of employment records as legislated and execution of employer/employee agreements and labour legislation.

In relation to our Beneficiaries: for retention of records as required by law and to provide reimbursement to defray the cost of healthcare, to facilitate obtaining healthcare services, to facilitate access to health products and for the collection of membership fees for the services so provided.

In relation to Suppliers and Service Providers: for record retention as legislated and for the execution of the supplier- and service level agreements.

PRESCRIBED FEES

The following applies the request other than personal requests:

- The requestor is required to pay the prescribed fee of R50 before the request will be processed.
- If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.
- The requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until fees have been paid.
- The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za and attached hereto as Annexure B.





ANNEXURE B

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I

FEES IN RESPECT OF GUIDE

1.

The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0,60 for every photocopy of an A4-size page or part thereof.

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10 (b)
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00





- (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
 - (ii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - (ii) For a copy of an audio record 30,00
 - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
- (2) For purposes of section 54 (2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

