



**Midlands Specialist**

**Private Hospital**

# **PAIA MANUAL**

**Prepared in terms of section 51 of the  
Promotion of Access to Information  
Act 2 of 2000 (as amended)**

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Promotion of Access to Information Act 2  
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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |                                      |  |
|-----|--------------------------------------|--|
| 1.1 | <b>“CEO”</b>                         | Chief Executive Officer (aka Hospital Manager)                     |
| 1.2 | <b>“COMPANY”</b><br>Private Hospital | Midlands Medical Centre (Pty) Ltd t/a Midlands Specialist          |
| 1.3 | <b>“DIO”</b>                         | Deputy Information Officer;  |
| 1.4 | <b>“IO”</b>                          | Information Officer;   |
| 1.5 | <b>“Minister”</b>                    | Minister of Justice and Correctional Services;                     |
| 1.6 | <b>“PAIA”</b>                        | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.7 | <b>“POPIA”</b>                       | Protection of Personal Information Act No.4 of 2013;               |
| 1.8 | <b>“Regulator”</b>                   | Information Regulator; and   |
| 1.9 | <b>“Republic”</b>                    | Republic of South Africa   |

## 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE COMPANY**

#### **3.1. Chief Information Officer**

- Mr Lenerssen (Lenny) Mudaly
- Email address [lenny.mudaly@midmedic.co.za](mailto:lenny.mudaly@midmedic.co.za)
- 084 254 7857
- 162 – 166 Masukwana Street, Pietermaritzburg, 3201

### 3.2. Deputy Information Officer

- Mrs Raksha Govender
- Email address [nursingmanager@midmedic.co.za](mailto:nursingmanager@midmedic.co.za)
- 082 579 8533
- 162 – 166 Masukwana Street, Pietermaritzburg, 3201

### 3.3 Access to information general contacts

Email: [info@midmedic.co.za](mailto:info@midmedic.co.za)

Website: [www.midlandsmedicalcentre.co.za](http://www.midlandsmedicalcentre.co.za)

## 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
  - 4.3.1. the objects of PAIA and POPIA;
  - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
    - 4.3.2.1. the Information Officer of every public body, and

- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 4.3.3. the manner and form of a request for-
  - 4.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
  - 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 4.3.6.1. an internal appeal;
  - 4.3.6.2. a complaint to the Regulator; and

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<sup>1</sup> Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

<sup>2</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
  - 4.5.1. upon request to the Information Officer;

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-  
 (a) any matter which is required or permitted by this Act to be prescribed;  
 (b) any matter relating to the fees contemplated in sections 22 and 54;  
 (c) any notice required by this Act;  
 (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and  
 (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

**5. CATEGORIES OF RECORDS OF THE COMPANY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS<sup>12</sup>**

<b>Category of records</b>	<b>Types of the Record</b>	<b>Available on Website</b>	<b>Available upon tel/email request</b>
Hospital services	Brochure	X	X
Hospital visiting hours	General information for patients and their families	X	X
Doctors	Contact details	X	X
Quotations	Quotes for specific procedures – e.g. Maternity admission		X

**6. DESCRIPTION OF THE RECORDS OF COMPANY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION<sup>13</sup>**

<b>Category of Records</b>	<b>Applicable Legislation</b>
Memorandum of incorporation	Companies Act 71 of 2008

<sup>12</sup> Together with further examples as contained in the Appendices

<sup>13</sup> Ibid



PAIA Manual	Promotion of Access to Information Act 2 of 2000
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**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE COMPANY<sup>14</sup>**

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Strategic Documents	Annual Reports, Annual Performance Plan.
Human Resources	- HR policies and procedures - Advertised posts - Employees records

**8. PROCESSING OF PERSONAL INFORMATION**

**8.1 Purpose of Processing Personal Information (PI)**

8.2 The Company processes PI for various purposes including for –

- 8.2.1 Admissions as an in or out-patient
- 8.2.2 Bookings for the above and/or for diagnostic purposes and/or for complementary health services
- 8.2.3 Doctor referrals and/or referrals by any other organisation for services
- 8.2.4 Job applications
- 8.2.5 Surveys
- 8.2.6 Participation in competitions/promotions and/or any marketing activities
- 8.2.7 Processing of any payments to us
- 8.2.8 CCTV surveillance for safety and security purposes
- 8.2.9 Attending to the legitimate interests of data subjects
- 8.2.10 Identifying prospects for enhanced service delivery and business sustainability

<sup>14</sup> Together with further examples as contained in the Appendices

- 8.2.11 Tracking data subject activity on the website and its links as well as their transactions with the Company
- 8.2.12 Facilitating transactions with data subjects
- 8.2.13 Collecting data for statistical purposes to improve its services
- 8.2.14 Fulfilling its contractual obligations to its clients, client contacts and users
- 8.2.15 Complying with the provisions of statute and regulations
- 8.2.16 Providing data subject information to the Company partners, to use the information to market their services to data subjects who are current clients and/ or who have consented as envisaged in the POPI Act. These partners who are recipients of PI are business organizations who are permitted to use the information only for lawful sales, marketing, and engagement
- 8.2.17 Confirm and verify data subject identity or to verify that they are authorised users for security purposes
- 8.2.18 Conduct market or customer satisfaction research
- 8.2.19 Audit and record keeping purposes
- 8.2.20 In connection with legal proceedings.

**8.3 Description of the categories of Data Subjects and of the information or categories of information relating thereto<sup>15</sup>**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Customers / Clients /patients	Name, address, registration numbers or identity numbers, employment status, bank details, medical history and medical aid status (patients)
Service Providers	names, registration number, vat numbers, address, and bank details
Employees	address, qualifications, gender and race, banking details

<sup>15</sup> Together with further examples as contained in the Appendices

**8.4 The recipients or categories of recipients to whom the personal information may be supplied<sup>16</sup>**

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Registration with professional body	SANC
Medical aid details	Discovery
Pension Fund	Hereford/Liberty

**8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

- Electronic data encryption
- Anti-malware solutions
- Physically secure storage facilities
- External storage facilities with Operator Agreements

**9. AVAILABILITY OF THE MANUAL**

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<sup>16</sup> Together with further examples as contained in the Appendices

9.1 A copy of the Manual is available-

9.1.1 on [www.midlandsmedicalcentre.co.za](http://www.midlandsmedicalcentre.co.za)

9.1.2 at our main offices at 162 – 166 Masukwana Street, Pietermaritzburg, 3201, for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **10. UPDATING OF THE MANUAL**

10.1 The head of the Company will update this manual, if required.

## **11. ACCESS TO RECORDS HELD BY THE COMPANY**

11.1 Prerequisites for Access by Personal/Other Requester

11.2 Records held by THE COMPANY may be accessed by requests only once the prerequisite requirements for access have been met.

11.3 A requester is any person making a request for access to a record of THE COMPANY. There are two types of requesters:

### **11.3.1 Personal Requester**

11.3.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

11.3.1.2 THE COMPANY will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged.

### **11.3.2 Other Requester**

**11.3.2.1** This requester (other than a personal requester) is entitled to request access to information on third parties.

**11.3.2.2** In considering such a request, THE COMPANY will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

**11.4** THE COMPANY is not obliged to automatically grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

### **11.5 PRESCRIBED FEES (SECTION 51 (1) (F))**

#### **11.6 Fees Provided by the Act**

**11.6.1** The Act provides for two types of fees, namely:

**11.6.1.1** A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

**11.6.1.2** An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

**11.7** When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

**11.8** If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

**11.9** The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

**11.10** A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

**11.11** If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

## **12. REPRODUCTION FEE**

**12.1** Where THE COMPANY has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

<b>Reproduction of Information Fees</b>	<b>Fees to be Charged</b>
Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example: Compact disc	R 70,00

A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00

### 13. REQUEST FEES

13.1 Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

### 14. ACCESS FEES

14.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

14.2 The applicable access fees which will be payable are:

<b>Access of Information Fees</b>	<b>Fees to be Charged</b>
Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example: Stiffy disc Compact disc	R 7,50 R 70,00
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record *Per hour or part of an hour reasonably required for such search.	R 30,00*

## **15. DEPOSITS**

15.1 Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

15.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

## **16. COLLECTION FEES**

16.1 The initial "request fee" of R50,00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via email.

16.2 The officer will collect the initial "request fee" of applications received directly by the Information Officer via email.

16.3 All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

## **17. DECISION**

17.1 Time Allowed

17.1.1 THE COMPANY will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

17.1.2 The 30 (thirty) day period within which THE COMPANY has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of THE COMPANY and the information cannot reasonably be obtained within the original 30 (thirty) day period.

17.1.3 THE COMPANY will notify the requester in writing should an extension be sought.



***Issued by***

Mr Lenersen (Lenny) Mudaly

A handwritten signature in black ink, appearing to read 'Lenny Mudaly', is written over a horizontal line. A long, sweeping diagonal line extends from the end of the signature towards the top right of the page.

**Hospital Manager and CIO**