

# Lenmed PAIA Information Manual

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 (“**PAIA**”), read with and as amended by the Protection of Personal Information Act, No 4 of 2013 (“**POPIA**”)

This manual applies to information held by:

Lenmed Investments Limited (Reg. No. 1980/003108/06), and all subsidiary companies and hospitals within the Lenmed Group, as more fully set out in paragraph 4 of this Manual.

(Hereinafter referred to as the “**Lenmed Health Group**”)

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## 1. Introduction to Lenmed

The Lenmed Health story is one of triumph and commitment which all began in 1984 when the first Lenmed Health hospital opened its doors in Lenasia. The Group is now an established South African hospital group providing private patient healthcare in Africa through the management and ownership of hospitals and other related health services.

Lenmed Health Group's initial strategy of sustained growth and expansion has consistently delivered results, making us one of the leading independent healthcare groups in the country. With a solid foundation on which to build, the group intends to establish a greater presence in South Africa as well as to expand further across key African countries.

The Lenmed Health Group is committed to creating places of healing for their communities, focused on attracting the best expertise and dedicated to building a steadfast, devoted team.

## 2. Purpose of PAIA

The purpose of PAIA is to promote the right of access to information and to foster a culture of transparency and accountability by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

In terms of section 51 of PAIA, as amended by POPIA, all private bodies are required to compile an information manual and make the manual available to the public to inform the procedure which the public must follow, when submitting a request to access the private bodies records.

PAIA grants a requester 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, the public body must be acting in the public interest.

## 3. Information Manual

Companies forming part of the Lenmed Health Group are defined as a private body in terms of PAIA. PAIA requires that an information manual be compiled by private bodies that provides information on the type and the categories of records held by a private body.

The Lenmed Health Group hereby publishes its information manual (this “**Manual**”) in terms of PAIA. This Manual is prepared in compliance with the provisions of Section 51 of PAIA, as amended by POPIA.

The purpose of this manual is to facilitate requests for access to records of the Lenmed Health Group. This manual is not exhaustive of, nor does it comprehensively deal with every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provision of PAIA before making any request to the Lenmed Health Group in terms of PAIA.

Nothing stated in this Manual shall limit, or constitute a waiver of, any of the rights of the requestor or of the Lenmed Health Group in terms of PAIA. Lenmed makes no representation and gives no undertaking that the information in this Manual or any information provided by the Lenmed Health Group to requestors thereof is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk and Lenmed Health Group shall not be liable for any loss, expense, liability or claims howsoever arising, resulting from any use of this Manual or any information provided by Lenmed Health Group or from error therein.

All users irrevocably agree to submit exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this Manual or of any information provided by the Lenmed Health Group.

This Manual is available for public inspection at the physical address of the Lenmed Health Group as set out in paragraph **Error! Reference source not found.** below and is also available on our website at [www.lenmed.co.za](http://www.lenmed.co.za). A copy of our manual can be provided, on request, to any person (along with the payment of a prescribed fee where applicable).

#### 4. Entities that this Manual applies to

This Manual is for, and applies to, the following entities within the Lenmed Health Group:

<b>ENTITY AND REGISTRATION NO</b>
<b>Holding Company:</b>
Lenmed Investments Limited (Reg. No. 1980/003108/06)
<b>Lenmed Investments Limited direct subsidiaries:</b>
Lenmed Health (Pty) Ltd (Reg. No. 2005/022423/07)

Lenmed Health Africa (Pty) Ltd (Reg. No. 2011/130484/07)
Lenmed Health Finance Company (Pty) Ltd (Reg. No. 2018/422855/07)
<b>Lenmed Health (Pty) Ltd subsidiaries:</b>
Ahmed Kathrada Private Hospital (Pty) Ltd (Reg. No. 2006/002764/07)
Lenmed Ethekewini Hospital and Heart Centre (Pty) Ltd (Reg. No. 2002/002222/07)
Lenmed Health Laverna (Pty) Ltd (Reg. No. 1988/004487/07)
Lenmed Health Shifa (Pty) Ltd (Reg. No. 2000/006080/07)
Lenmed Health Zamokuhle (Pty) Ltd (Reg. No. 2005/017980/07)
Lenmed Health Daxina Private Hospital (Pty) Ltd (Reg. No. 2006/021573/07)
Lenmed Health Randfontein Private Hospital (Pty) Ltd (Reg. No. 2012/006706/07)
Lenmed Health Management Company (Pty) Ltd (Reg. No. 2010/004046/07)
Lenmed Health Kathu Properties (Pty) Ltd (Reg. No. 2013/146831/07)
Lenmed Health Kathu Private Hospital (Pty) Ltd (Reg. No. 2013/229376/07)
Lenmed Health Properties (Pty) Ltd (Reg. No. 2012/103789/07)
Lenmed Health Howick Pharmacy (Pty) Ltd (Reg. No. 2020/149907/07)
Howick Private Hospital Holdings (Pty) Ltd (Reg. No. 2002/013282/07))
Howick Private Hospital (Pty) Ltd (Reg. No. 1994/003179/07)
Maputo Private Hospital Limitada (Reg. No. 17682)
Mozambique Private Laboratory Limited (Reg. No. 101103242)
Nu-Yale Trust (IT 29/1996)
Royal Hospital and Heart Centre (Pty) Ltd (Reg. No. 2009/011218/07)
Lenmed Nursing College (Pty) Ltd (Reg. No. 2012/059126/07)
<b>Lenmed Health Africa (Pty) Ltd subsidiaries:</b>
Lenmed Health Bokamoso Private Hospital (Pty) Ltd (Reg. No. CO2011/4403)
<i>Note: All the subsidiaries have a place of business within the Republic of South Africa except for Lenmed Health Bokamoso Private Hospital (Pty) Ltd (Incorporated in Botswana), Maputo Private Hospital Limitada (Incorporated in Mozambique) and Mozambique Private Laboratory Limited (Incorporated in Mozambique).</i>

## 5. Contact details of the Lenmed Health Group

Chief Executive Officer:	Mr Amil Devchand
<b>Information Officer:</b>	<b>Mr Jayesh Parshotam</b>
Physical Address:	2nd Floor, Building 9, Constantia Park, Cnr Hendrick Potgieter and 14th Avenue, Constantia Kloof
Postal Address:	P.O Box 855, Lenasia, 1820
Telephone Number:	+27 (0)87 087 0600
Email Address:	info@lenmed.co.za

## 6. Information Regulator's Guide and contact details

An official Guide has been compiled by the Information Regulator (established in terms of POPIA), to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator and is available from the Information Regulator in the manner prescribed.

The contact details of the Information Regulator are:

Physical Address:	The Information Regulator (South Africa) JD House 27 Siemens Street Braamfontein Johannesburg 2001
Postal Address:	P.O Box 31533 Braamfontein Johannesburg 2017
Telephone Number:	(010) 023 5207
Fax Number:	(011) 403 0668
Email Address (General Enquiries):	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
Email Address (Complaints):	<a href="mailto:Complaints.IR@justice.gov.za">Complaints.IR@justice.gov.za</a>
Website:	<a href="https://www.justice.gov.za/infoereg">https://www.justice.gov.za/infoereg</a>

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## 7. Categories of records available without having to request access in terms of section 52(2) of PAIA

A private body may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of PAIA.

Employees can request access to their own records in accordance with Lenmed's internal access processes and Procedures.

The Lenmed Health Group has not made available any records that are automatically available without a person having to request access in terms of PAIA, save for those that are publicly available for viewing on its website.

## 8. Records held in accordance with other legislation, in terms of section 51(1)(d) of PAIA

Records are kept by the Lenmed Health Group in accordance with other legislation, such as but not limited to\*:

- Basic Conditions of Employment Act 75 of 1997;
- Children's Act 38 of 2005;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Competition Act 89 of 1998;
- Consumer Protection Act 68 of 2008;
- Employment Equity Act 55 of 1998;
- Hazardous Substances Act 15 of 1973;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- National Health Act 61 of 2003;
- National Radioactive Waste Disposal Institute Act 53 of 2008;
- Occupational Health and Safety Act 85 of 1993;

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- Promotion of Access to Information Act 2 of 2000;
  - Protection of Personal Information Act 4 of 2013;
  - Skills Development Act 97 of 1998;
  - Skills Development Levies Act 55 of 1998;
  - Trade Marks Act 194 of 1993;
  - Unemployment Insurance Act 63 of 2001;
  - Value Added Tax Act 58 of 1962.

*\*Note: This is not an exhaustive list of legislation that may require the Lenmed Health Group to keep records.*

## 9. Subject categories of records

The records held by the Lenmed Health Group are classified into the following categories:

### Company Secretarial

- Company Memorandum of Incorporation
- Registers
- Minutes of meetings and resolutions
- Statutory returns

### Movable and Immovable Property

- Title Deeds
- Lease Agreements
- Hire agreements
- Hire-purchase agreements
- Credit sale agreements
- Ordinary and conditional sale agreements

### Intellectual Property

- Trade-marks
- Patents
- Copyright
- Designs
- Licensing agreements
- Hospital Licences



### Insurance

- Policies
- Insurance claim files
- Insurance Agreements

### Taxation

- Income tax files

### Human Resources

- Policies and procedures
- Employee/Personnel information
- External Candidate Application Information
- Medical Aid Information
- Pension Fund Information
- Learnerships and Internships
- IRP5 Certificates
- SARS (UIF, PAYE, COID and SDL)
- Garnishees
- Union Administration – Membership Fee
- Outsourced Companies (Gigima / Altron)
- Personnel files
- Conditions of Employment
- Recruitment Forms (Interview Guides)
- Identity Documents
- Work Permits and VISAs
- Internal Evaluation Records
- Correspondence
- Training Schedules and Related Material
- Agreements
- Forms and applications
- Standard letters and notices

### Finance

- Financial statements
- Reports and returns
- Banking details and bank account records
- Debtors/creditors statements and invoices

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### Operations

- Policies and procedures
- Reports and supporting documentation
- General operational Agreements

### Information technology

- System documentation and manuals
- Information technology Agreements

### Patient information

- Patient information
- Patient health records
- Patient files
- Patient Agreements
- Patient records or information provided by a third party (for example, but not limited to, records from a medical practitioner or healthcare provider, pathology provider, radiology provider or allied healthcare professional)

### Third Party Records

- Records held by the Lenmed Health Group relating to other parties, including but not limited to contractual records, correspondence, financial records, records provided by other parties and records third parties have provided about the Company's contractors and suppliers in respect of contractors, suppliers, and service providers.

### Administration

- Internet ([www.lenmed.co.za](http://www.lenmed.co.za))
- General administrative records required for the management of the businesses within the Lenmed Health Group
- Correspondence with internal and external parties
- General administrative Agreements

These records include, but are not limited to, any and all records, which pertain to the Lenmed Health Group's internal and external affairs.

## 10. Processing of Personal Information

As a South African Group of Companies, all data processing activities are primarily regulated by the Protection of Personal Information Act, No. 4 of 2013 ("POPIA"), as amended from time to

time. Lenmed Health Group's Privacy Notice, as published on our website (and as amended or updated from time to time), sets out how the Lenmed Health Group processes and protects personal information. For full details regarding how the Lenmed Health Group processes personal information, please refer to our [Privacy Notice](#).

## 11. Categories of Data Subjects

The Lenmed Health Group holds personal information and records on various data subject categories, which include but are not limited to the following Data Subject categories:

**(Note: this is not an exhaustive list)**

- Website users;
- Patients;
- Suppliers and service providers;
- Employees, consultants, volunteers and job candidates;
- Medical practitioners, medical practices and other healthcare suppliers and service providers (including medical practitioners, practices and allied health professionals providing medical services at our hospitals).

## 12. Purpose of Processing

The Lenmed Health Group may **collect, use, share and/or generally process** personal information (including, where applicable special personal information, such as medical information) for the following purposes:

- To provide a data subject with our products and services;
- To process a data subject's hospital admission (including pre-admission through our website) or to process any other enquiry that the data subject may make with the Lenmed Health Group, whether through our website, or directly with any entity within the Lenmed Health Group;
- To make an online appointment through our website;
- To assess any medical treatment the data subject may require;
- To provide the data subject with appropriate treatment and care and to enable treating medical practitioners, medical practices (including radiology and pathology practices), Allied health professionals and other medical persons involved in the data subject's treatment and care, to provide the data subject with appropriate treatment and care;
- To process any claim that may be made on a data subject's behalf with the data subject's medical aid scheme (including the scheme administrator) or any third party medical insurer that the data subject has contracted with;

- To process any medical claim that may be made by us with the Road Accident Fund (under the Road Accident Fund Act) or the Compensation Fund (under the Compensation for Occupational Injuries and Diseases Act) or any other similar body, in relation to the data subject's treatment and care;
- To comply with all legislative and legal requirements placed on the Lenmed Health Group, which may include, but not be limited to, legislative reporting and document retention periods and where the law requires that information regarding certain diseases be notified to the authorities;
- To conclude or perform a contract with a data subject, or to take any take steps linked to or necessary for the conclusion or performance of a contract with the data subject;
- Where applicable, for general marketing and communication purposes, where the data subject is an existing customer of the Lenmed Health Group or where we have received the data subject's consent to receive these communications, and in compliance with the provisions of POPIA. Data subjects will be given the opportunity to unsubscribe from any marketing communications, general communications and/or newsletters at any time, and with each communication received;
- Where necessary, for any purposes which are in our, the data subject's or a third party's legitimate interests;
- To improve the Lenmed Health Group's services, the quality of our care, the quality of the medical technology that we have available at our hospitals, and to manage our relationship with our customers, for example by asking for feedback on the services and quality of care a data subject received from us or through the completion of a customer service satisfaction survey;
- To perform general administrative, operational, management and performance functions and activities relating to the operation and running of our businesses and of our website, and for the purposes of managing our legal and operational affairs;
- For credit checking or credit reporting purposes (through a credit bureau), in order to assist our decision to provide services to a data subject or to report on any slow or non-payment of a data subject's accounts with us;
- For any purposes which are required or authorised by law;
- To respond to requests by government, a court of law, or law enforcement authorities conducting an investigation;
- For reporting (including but not limited to efficiency management and reporting), statistical, analytical, research and historical purposes;
- Where a data subject is applying for a vacancy, to process the data subject's application throughout our recruitment process;
- In relation to the use of our website, to identify, investigate and attend to any technical issues, support and user queries;
- To detect, prevent or deal with any actual or alleged fraud, security breach, or the abuse,

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misuse or unauthorised use of the website and/or contravention of our Privacy Notice.

The Lenmed Health Group may also **collect, use, share and/or generally process** personal information or data, including health information that has been de-identified and/or aggregated, for example statistical or demographic data, for any purpose. In certain circumstances this aggregated or de-identified data may also be commercialised. Aggregated or de-identified data is not considered personal information in terms of POPIA, as this information is de-identified and does not, directly or indirectly, reveal a data subject's identity.

### 13. Recipients to whom Personal Information may be supplied

The Lenmed Health Group values and respects the confidentiality and privacy of the personal information that data subjects entrust us with. Lenmed Health Group will not share or disclose personal information to anyone except as provided in our Privacy Notice and/or any contracts or terms and conditions of Service concluded with us.

Generally, The Lenmed Group may share a data subject's personal information (including, where applicable, special personal information) in the following instances:

***(Note: this is not an exhaustive list)***

- If it is necessary in order to provide the data subject with a service that the data subject has requested or has contracted us to provide or source on the data subject's behalf;
- If it is necessary in order to provide the data subject with proper treatment and care;
- If it is in the data subject's legitimate interest;
- If it is necessary for the proper performance of a public law duty by a public body;
- If it is required or authorised by law;
- If the data subject has provided us with consent;
- With third party medical practitioners, medical practices, medical facilities (including pathology and radiology medical practices) and Allied health professionals who are involved in a data subject's treatment and care;
- With a data subject's medical scheme and its medical scheme administrator, the Road Accident Fund (under the Road Accident Fund Act) or the compensation fund (under the Compensation for Occupational Injuries and Diseases Act) or any other similar body, for the purposes of submitting and processing any claims made to these Parties associated with the treatment and care provided to a data subject;
- With our service providers (including our suppliers, subcontractors, affiliates, partners, agents and professional advisors), in order to provide data subjects with our services, to provide data subjects with proper treatment and care, for efficiency reporting purposes or generally as required for the administration and management of our businesses. In these instances, we will ensure that the necessary security safeguards and confidentiality undertakings are in place to secure the data subject's personal information. The Lenmed Health Group will only allow third parties to process a data subject's personal information

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for a specific purpose, in accordance with our instructions and in accordance with the requirements of POPIA and any other applicable data privacy laws;

- With our employees, who may require that information to do their jobs;
- With regulators and government authorities in connection with our compliance procedures and legal obligations;
- With a purchaser or prospective purchaser of all or part of our assets or our business (or the business of any subsidiary company) or the shares of our company (or any subsidiary company), and their professional advisers, in connection with the purchase;
- With a third party, in order to enforce or defend our rights, or to address financial or reputational risks.

## 14. Planned transborder flows of Personal Information

While Lenmed Health Group entities located in the Republic of South Africa and subject to the provisions of POPIA endeavour, as far as reasonably possible, to store personal information locally in South Africa, we may be required to transfer to and/or store personal information on servers located outside of South Africa. The Lenmed Health Group may also have third party service providers that are located outside of South Africa, which may result in personal information being transferred and processed outside of South Africa. Given the nature of the Lenmed Health Group's business, some of this personal information may be health information or other categories of special personal information, and some of this information may include the personal information of children.

Lenmed Health Group will take reasonable and appropriate measures to ensure that any personal information, special personal information or children's information that is transferred outside of the borders of South Africa is transferred in compliance with the requirements of POPIA and that an adequate level of privacy protection is in place between us and these third-party service providers.

## 15. Security measures

Securing the personal information that a data subject gives us, or that we receive about a data subject, is a priority for the Lenmed Health Group. The Lenmed Health Group takes appropriate and reasonable technical and organisational security measures to protect the personal information that we process, in accordance with the requirements of POPIA.

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## 16. Grounds for refusal of access to records

The Lenmed Health Group may refuse a request for access to information on the following basis:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person, including a deceased person;
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
  - Information disclosed in confidence by a third party to the Lenmed Health Group, if the disclosure could put that third party at a disadvantage in commercial or other negotiations or could prejudice that third party in commercial competition;
- Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement or legislation;
- Mandatory protection of the life or physical safety of individuals and/or the protection or security of any property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of the Lenmed Health Group, which may include:
  - Trade secrets of the Lenmed Health Group;
  - Financial, commercial, scientific or technical information which, if disclosed, would be likely to cause harm to the financial or commercial interests of the Lenmed Health Group;
  - Information which, if disclosed, could put the Lenmed Health Group at a disadvantage in contractual or other negotiations or could prejudice the Lenmed Health Group in commercial competition;
  - A computer program which is owned by the Lenmed Health Group and which is protected by copyright;

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- The research information of the Lenmed Health Group or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
  - Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;
  - Generally, any other refusal prescribed or permitted in terms of PAIA;
  - Mandatory protection of personal information to comply with the provisions of the Protection of Personal Information Act 4 of 2013;
  - If a record requested cannot be found, or does not exist, the Information Officer shall notify the Requester in accordance with the requirements of PAIA;
  - Any other reason that is permitted or prescribed in terms of any other applicable law.

## 17. Access to health or other records in terms of Section 61 of PAIA

- For the purposes of this paragraph 17, the term 'relevant person' shall refer to the requester and/or the authorised person making a request on the persons behalf.
- Requesters must stipulate in their request for access to information and/or records what health related information is required, understanding that information held by a medical practitioner must be obtained directly from him or her. The **Lenmed Health Group** cannot release information held by another party, or information that is protected by a medical practitioner/patient relationship.
- The Information Officer may only grant a request for access to information and/or a record provided by a medical practitioner in his or her capacity as such, about the physical or mental health of the requester, if requested by the requester him or herself or if requested by an authorised person making such a request on behalf of the person concerned.
- The Information Officer may in terms of section 61(1) of PAIA, refuse access to information and/or record/s, if he or she is of the opinion that the disclosure would cause serious harm to the requester's physical and/or mental health and/or well-being.
- Before the Information Officer allows, grants or facilitates access to any information and/or records, he or she may consult with the treating medical practitioner who, subject to section 61(2) of PAIA, has been nominated by the relevant person.



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- If the relevant person is:
    - under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in section 61(1) of PAIA: or
    - incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.
  - If, after the Information Officer has given access to the nominated medical practitioner and he or she (practitioner) is of the opinion that the disclosure of the information and/or record to the relevant person would be likely to cause serious harm to his or her physical and/or mental health and/or well-being, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester that adequate provision has been made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the information and/or record to limit, alleviate or avoid such harm to the relevant person.
  - Before access to the information and/or record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the information and/or record.
  - The Information Officer may also refuse access to information and/or records in terms of any other law.

## 18. Access Requests and Procedures

### Access Procedure

A requester is any person making a request for access to a record of, or held by, Lenmed Health Group. The requester is entitled to request access to information, including information pertaining to third parties, but Lenmed Health Group is not obliged to grant such access. Apart from the fact that access to a record can be refused based on the grounds set out in paragraph 16 or 17 above, in order to successfully access information, the requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of the fees as prescribed by PAIA.

### Access Request Procedure

A requester requiring access to information held by Lenmed Health Group must complete the prescribed **Form C**, attached to this Manual as **Annexure B** ("**Access Request Form**") or such

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form as amended or updated from time to time in terms of PAIA, submit it to the **Information Officer** at the postal or physical address, or email address recorded in paragraph **Error! Reference source not found.** and pay the applicable request fee (and a deposit, if applicable).

To facilitate a timely response to requests for access to a record, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be comprehensively completed.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access request form, requesters will be required to supply a copy of their identification document.
- Every applicable question must be answered. If a question does not apply "N/A" should be stated in response to that question. If there is nothing to disclose in reply to a particular question "Nil" should be stated in response to that question.

The Access Request Form must be completed with enough particularity to enable the **Information Officer** to identify:

- The record(s) requested;
- The identity number of the requester;
- The form of access required if the request is granted;
- The postal address or fax number of the requester.
- The requester must also state that he or she requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer, in accordance with the provisions of PAIA.

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The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

### **Payment of fees**

Under Section 54 of PAIA, private bodies are entitled to levy a prescribed request fee to a requester before the private body may process the request for information or records. Fees levied are published by the Minister or the Information Regulator (as the case may be) and the fees as at the date of this Manual are displayed in **Annexure A**. These may be updated from time to time and the fees that apply at the time of the request will be levied (which may not necessarily be those recorded in Annexure A).

PAIA provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, the Information Officer will, by notice, require the requester (other than a personal requester) to pay the prescribed request fee (if any), before further processing of the request (refer to **Annexure A** of this manual).

Payment details can be obtained from the Information Officer and must be made by a direct deposit or electronic funds transfer. Proof of payment must be supplied when the Access Request Form is submitted.

The Information Officer will withhold a record until the requester has paid the fees as indicated. A requester whose request for access to a record has been granted, must pay an access 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 requested form.

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

### **Request fee**

An initial "request fee" is payable on submission of the Access Request Form. The prescribed fee is set out in **Annexure A** (or as amended from time to time in terms of PAIA). Note that the

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requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee.

### **Access fee**

If the request for access is successful, an access fee must be paid. This fee is for the search, reproduction and/or preparation of the record(s). The access fee will be calculated based on the prescribed fees set out in **Annexure A** (or as amended from time to time in terms of PAIA). Note that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the access fee.

### **Deposit**

If the search for, and the preparation of, the record for disclosure would, in the opinion of the Information Officer, require more than 6 hours, the requester may be required to pay as a deposit one third of the access fee (the fee which will be payable if the request is granted) or such deposit as may be prescribed by PAIA from time to time. Note that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the deposit. If a deposit has been paid in respect of a request for access which is subsequently refused, then the Information Officer must refund the deposit to the requester. The requester must pay the prescribed fee before any processing, or any further processing, can take place.

### **Notification of decision**

The Information Officer will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period, within which the Lenmed Health Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the information cannot reasonably be obtained within the original 30 day period. For example, the time period may be extended if the request is for a large amount of information, or the request requires Lenmed Health Group to search for information held at another office of the Group.

The Information Officer will notify the requester in writing should an extension be required. The requester may lodge a complaint to the Information Regulator or an application with a court against the extension.

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## 19. Remedies available when access to a record is refused

### Internal remedies

Lenmed Health Group does have an internal appeal procedure. The decision made by the Information Officer may be appealed in accordance with the appeal procedure established by the Information Officer from time to time. Requesters who are dissatisfied with a decision of the Information Officer can, within 21 days of receipt of the decision from the Information Officer, request details of the appeal procedure in place at the time from the Information Officer.

Employees of the Lenmed Health Group can also follow the internal Grievance Procedures established by the HR Department from time to time.

Requesters who are dissatisfied with the outcome of the internal appeal procedure will be entitled to exercise the available external remedies at their disposal.

### External remedies

All complaints, by a requester or a third party, can be made to the Information Regulator or a court, in the manner prescribed below.

#### Complaints to the Information Regulator:

The requester or third party, as the case may be, may submit a complaint in writing to the Information Regulator, within 180 days of the decision, alleging that the decision was not in compliance with the provisions of PAIA (or such other period as may be prescribed by PAIA from time to time).

The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA.

The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

#### Application to court:

An application to court maybe brought in the ordinary course. For purposes of PAIA, any reference to an application to court includes an application to a Magistrates' Court.

## 20. ANNEXURE A: PRESCRIBED FEES

**Please note: Lenmed Health Group is a registered VAT vendor under the Value Added Tax Act, 1991 and will add VAT to all the above mentioned fees.**

The fees set out in this Manual are for information purposes. These prescribed fees may be amended or updated from time to time, by law or regulation.

### Request Fees

Where a requester submits a request for access to information held by Lenmed Health Group regarding a person other than the requester himself/herself, the request fee is payable up-front before Lenmed Health Group will further process the request received.

The “**request fee**” payable by a requester, other than a personal requester, referred to in section 54(1) of PAIA is R50,00 (or such adjusted amount as may be prescribed by PAIA from time to time).

### Access and Reproduction Fees

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 PAIA or an exclusion is determined by the Minister in terms of section 54(8) of PAIA.

Where Lenmed Health Group 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.

The applicable access fees which will be payable are:

Access to Information fees	Fees to be charged
For every photocopy of an A4 page or part thereof	R1,10
For every printed copy of an A4 page or part thereof	R0,75
For a copy in a computer readable form:	

On a Compact Disc (CD)	R70,00
Transcription of visual images per A4 page or part thereof	R40,00
Copy of a visual image	R60,00
Transcription of an audio recording per A4 page or part thereof	R20,00
Copy of an audio recording	R30,00
Search and preparation of the record of disclosure	R30,00 per hour or part thereof excluding the first hour.

The applicable reproduction fees which will be payable are:

Reproduction of Information fees	Fees to be charged
For every photocopy of an A4 page or part thereof	R1,10
For every printed copy of an A4 page or part thereof	R0,75
For a copy in a computer readable form:	
On a Compact Disc (CD)	R70,00
Transcription of visual images per A4 page or part thereof	R40,00
Copy of a visual image	R60,00
Transcription of an audio recording per A4 page or part thereof	R20,00
Copy of an audio recording	R30,00

Search and preparation of the record of disclosure	R30,00 per hour or part thereof excluding the first hour.
Where a copy of a record needs to be posted, that actual postage fee is payable.	

## Deposits

Where Lenmed Health Group 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 hours, a deposit is payable to the requester. The amount of the deposit will be equal to one-third (1/3) of the amount of the applicable access fee.



## 21. ANNEXURE B: PRESCRIBED FORM

### REQUEST FOR ACCESS TO RECORD OF LENMED HEALTH GROUP

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

#### A. PARTICULARS OF LENMED HEALTH GROUP

The Information Officer: Dr Jayesh Parshotam

Postal Address: PO Box 855, Lenasia, 1820

Telephone Number: +27 (0)87 087 0600

E-mail: info@lenmed.co.za

#### 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 (original ID document must be produced).*
- (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: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_ Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

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**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 (original ID of requester and patient required as well as proof of consent of patient)*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**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: \_\_\_\_\_

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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## 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 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request 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.

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		Inspection of record
<b>2. If record consists of visual images:</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	View the images		Copy of the images*
			Transcription of the images
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the sound track (audio cassette)		Transcription of sound track* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	Printed copy of record*		Printed copy of information derived from the record*
			Copy in computer readable form* (compact disc)
*If you requested a copy or transcript of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			YES
			NO

**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.*

4. Indicate which right is to be exercised or protected.

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5. Explain why the record requested is required for the exercise or protection of the aforementioned right.

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## 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 \_\_\_\_\_ 20\_\_\_\_\_

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