

Lenmed **PAIA Manual**

Promotion of access to information act (no. 2 of 2000)

Manual prepared in accordance with section 51 of the promotion of access to information act, no 2 of 2000 (hereinafter referred to as the act)

This manual applies to information held by:

Lenmed health proprietary limited

And all hospitals within the lenmed group

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1. INTRODUCTION TO THE MANUAL

Section 51 of the Act requires that all private bodies prepare and make a manual available to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies records.

Lenmed Proprietary Limited is defined as a private body in terms of the Act.

Lenmed in the spirit of transparency and democratic accountability, hereby publishes its 'Information Manual' in terms of the Act. This manual is prepared in compliance with the provisions of Section 51 of the Act.

2. 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'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.

3. CONTACT DETAILS AND COMPANY INFORMATION

Full Name: Lenmed

Registration Number: 2010/004046/07

Contact Person:

("Information Officer") **Dr Nilesh Patel**

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: **011 213 2078**

E-mail: infor@lenmed.co.za

Website: www.lenmed.com

4. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act, the Human Rights Commission of South Africa is required to publish a guide on how to use the Act, in each official language.

This guide is available from the South African Human Rights Commission. Any enquiries regarding the guide should be directed to:

The South African Human Rights Commission

PAIA Unit (The Research and Documentation Department)

Postal Address: Pvt Bag X2700, Houghton, 2041

Telephone Number: (011) 484 8300

Fax Number: (011) 484 1360

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

a. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF SECTION 52(2) OF THE ACT

At the time of this publication the Minister of Justice and Constitutional Development had not yet published any regulations under this section of the Act.

b. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d) OF THE ACT

Records are kept in accordance with the following legislation (this list is not exhaustive):

- (a)** Basic Conditions of Employment Act 75 of 1997
- (b)** Companies Act 71 of 2008
- (c)** Compensation for Occupational Injuries and Diseases Act 130 of 1993
- (d)** Employment Equity Act 55 of 1998

- (e)** Income Tax Act 58 of 1962
- (f)** Labour Relations Act 66 of 1995
- (g)** Skills Development Act 97 of 1998
- (h)** Skills Development Levies Act 55 of 1998
- (i)** Trade Marks Act 194 of 1993
- (j)** Unemployment Insurance Act 30 of 1966
- (k)** Value Added Tax Act 58 of 1962.
- (l)** National Health Act 61 of 2003
- (m)** All applicable health legislation, including but not limited to health legislation regulating Patient records.

c. HOW MUST A PERSON GO ABOUT ASKING FOR RECORDS

- (a)** Section 53 of the Act prescribes that the requester must use the prescribed form (Attached as Annexure A) to make the request for access to a record. The requester must at all times comply with the procedural requirements of the Act.
- (b)** The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester (see Annexure A). The requester should also submit payment in terms of a request fee and a deposit, if applicable to the Information Officer at the address (physical address, postal address, fax number or email address) given in paragraph 3 of the Manual.

- (c) The requester must clearly identify and/or state the right that he or she is seeking to exercise or protect, as well as provide a clear explanation of why the requested record is required for the exercise or protection of that right.
- (d) If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- (e) The Information Officer will then ensure that the request is processed within 30 (thirty) days of having received that request, unless not practically possible. Should the requester require a more expedient processing of his or her request, then a special request must be made in this regard.
- (f) The requester will then be informed (in writing) whether his or her request for access has been granted or not. Should the requester require reasons for any decision in this regard, then he or she must stipulate such.

5. DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY LENMED AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED

The company has the following records:

Company Secretarial

- Company Memorandum of Incorporation
- Registers
- Minutes of meetings
- 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 mark
- Patents
- Copyright
- Designs
- Licensing agreements
- Hospital Licence

Insurance

- Policies
- Insurance claim files

Taxation

- Income tax files

Human Resources

- Policies and procedures
- Employee information
- Personnel files
- Conditions of Employment
- 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

Operations

- Policies and procedures
- Reports and supporting documentation

Information technology

- System documentation and manuals

Patient information

- Patient health records

Administration

- Internet (www.lenmedhealth.com)
- Correspondence with internal and external parties

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

6. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS

Part 3, Chapter 4 of the Act sets out instances where a request for information must be refused. The following are grounds for the refusal of access to information and/or records:

- 1) Any refusal prescribed in terms of the Act.
- 2) The protection of a third person's right to privacy, when such release of information would amount to the unreasonable and/or unlawful disclosure of personal information of that person, including the personal information of a deceased individual.

- 3) Mandatory protection of any commercial information of a third party, including but not limited to any trade secret, commercial and/or intellectual property.
- 4) Any confidential information which is protected by an agreement between the parties.
- 5) Mandatory protection of a person's property and or safety, or if the disclosure of the information or record could reasonably be expected to endanger the life/ physical safety, privacy and identity of an individual.
- 6) Any documentation and information that would be considered privileged in terms of any legal and/or medical proceedings.
- 7) Any intellectual, commercial and/or related documentation relating to the business activities of **Lenmed**.

a.

- 8) Any research information being carried out or to be carried out by or on behalf of a third party where such disclosure would likely expose the third party, a person carrying out the research, or the subject matter of the research, to serious disadvantage.
- 9) Any other reason that is allowed in any applicable law.

7. ACCESS TO HEALTH OR OTHER RECORDS IN TERMS OF SECTION 61 OF THE ACT

- (a) For the purposes of this paragraph 10, the term 'relevant person' shall refer to the requester and/or the authorised person making a request on the persons behalf.
- (b) 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. **Lenmed** cannot release information held by another party, or information that is protected by a medical practitioner/patient relationship.
- (c) The Information Officer, in terms of section 50 of the Act, 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 him or herself, or to an authorised person making such a request on behalf of the person concerned.
- (d) The Information Officer may in terms of section 61(1) of the Act, 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.
- (e) 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 the Act, has been nominated by the relevant person.

- (f)** If the relevant person is:
- i)** 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 the Act: or
 - ii)** incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.
- (g)** 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.
- (h)** 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.
- (i)** The Information Officer may also refuse access to information and/or records in terms of any other law.

8. OTHER INFORMATION AS MAY BE PRESCRIBED

Appealing a decision of **Lenmed**:

- (a) Where a requester has been denied access to any information and/or record, and the requester is for whatever reason dissatisfied with that decision, he/she may within 30 (thirty) days of such notification, apply to a Court within his or her jurisdiction for relief.
- (b) Any third party, which is dissatisfied with the Information's Officer's decision to disclose information and/or records for whatever reason, may apply to a Court in his or her jurisdiction for relief.
- (c) In terms of the provisions of the Act, the Court/s to be used for the purpose of this paragraph (Appeals) are the Constitutional Court, the High Court of South Africa and any other court of a similar status.

9. AVAILABILITY OF THE MANUAL

This manual is in line with and adapted from **Lenmed's** holding Company, Lenmed Health Proprietary Limited's PAIA Manual.

In accordance with regulation 9(1) of the Regulations to the Act, Lenmed Health's PAIA manual has been made available to the Human Rights Commission and is published on the company's website (www.lenmedhealth.com). The Manual is thus available from the Human Rights Commission, and may be seen on the web site stated.

10. FEES IN RESPECT OF PRIVATE BODIES

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

The fees for reproduction referred to in regulation 11(1) of the Regulations are as follows:

	Rand
(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 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 audio record, for an A4-size page or part thereof	

	20,00
(ii) For a copy of an audio record	30,00

The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of the Regulations to the Act is R50,00.

The access fees payable by a requester referred to in Regulation 11(3) of the Regulations to the Act are as follows:

	Rand
(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 a 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.

11. ANNEXURE A: PRESCRIBED FORM

REQUEST FOR ACCESS TO RECORD OF LENMED

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

A. PARTICULARS OF LENMED HEALTH LENMEDHOSPITAL

The Information Officer: Dr Nilesh Patel

Postal Address: PO Box 844, Lenasia, 1820

Telephone Number: 011 213 2078

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:

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: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

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:

F. FORM OF ACCESS TO RECORD

<i>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.</i>	
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.

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

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

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_____

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

