



PAIA MANUAL

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

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1. **“IO”** Information Officer;
- 1.2. **“Minister”** Minister of Justice and Correctional Services;
- 1.3. **“PAIA”** Promotion of Access to Information Act No. 2 of 2000;
- 1.4. **“Regulator”** Information Regulator; and
- 1.5. **“Republic”** Republic of South Africa

2. INTRODUCTION

- 2.1. The Gatehouse Surgery (“Gatehouse”) provides full General Practitioner (“GP”) service and promotes a holistic approach to health and well-being.
- 2.2. There are three doctors offering chronic disease management and follow up for conditions such as diabetes, hypertension, chronic heart conditions, epilepsy, chronic obstructive pulmonary disease, asthma and more.
- 2.3. The Gatehouse performs minor procedures, such as joint injections, cryotherapy using liquid nitrogen, pap smears and vaccinations.
- 2.4. PAIA requires the Information Officer of a private body to compile a PAIA Manual that contains information of the records it holds.

3. PURPOSE OF PAIA MANUAL

- 3.1. This PAIA Manual is useful for the public to:

- 3.1.1. check the categories of records held by Gatehouse which are available without a person having to submit a formal PAIA request;
- 3.1.2. have a sufficient understanding of how to make a request for access to record(s) held by Gatehouse by providing a description of –
 - (i) the subjects on which Gatehouse hold records; and
 - (ii) the categories of records held on each subject;
- 3.1.3. know what type of records are held by Gatehouse which are available in accordance with any other legislation;
- 3.1.4. access all the relevant contact details of the Information Officer and Deputy Information Officer (if applicable) who will assist the public with the records they intend to access;
- 3.1.5. be aware of the PAIA Guide as formulated and updated by the Information Regulator (from time to time), and how to obtain access to it;
- 3.1.6. know if Gatehouse processes any Personal Information (as defined in POPIA) of data subjects;
- 3.1.7. know the purpose of processing of such Personal Information and the description of the categories of data subjects and the information or categories of information relating thereto;
- 3.1.8. know the recipients or categories of recipients to whom the Personal Information may be supplied;
- 3.1.9. know if Gatehouse has planned to transfer or process Personal Information outside the Republic of South Africa (i.e. transborder flow of Personal Information); and

3.1.10. know whether Gatehouse has appropriate security measures in place, to ensure the confidentiality, integrity and availability of the Personal Information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF GATEHOUSE

4.1. Information Officer:

Name: Gaylene Du Plessis
Tel: 021 518 1123
Email: gdduplessis@icloud.com

4.2. Access to information (general contact):

Email: info@thegatehousesurgery.co.za

4.3. Head Office:

Physical Address: Oasis Lane, Off Century Way
Century City
Cape Town
7441
South Africa
Telephone: 021 518 1123
Email: info@thegatehousesurgery.co.za
Website: <https://www.thegatehousesurgery.co.za/our-team/>

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS THERETO

5.1. A Guide on How to Use the PAIA Act (the “PAIA Guide”) has been compiled in all of the official languages in RSA and updated by the Information

Regulator in terms of section 10(1) of PAIA. The PAIA Guide contains information as may be reasonably required by a person wishing to exercise any of his/her rights contemplated by PAIA and POPIA.

5.2. The aforesaid PAIA Guide contains a description of:

- 5.2.1. the objects of PAIA;
- 5.2.2. the objects of POPIA;
- 5.2.3. the postal and street address, phone and fax number (if available) and electronic mail address of –
 - 5.2.3.1. the Information Officer of every public body, and
 - 5.2.3.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 5.2.4. the manner and form of a request for –
 - 5.2.4.1. access to a record of a public body contemplated in section 11³;
 - 5.2.4.2. access to a record of a private body contemplated in section 50⁴
- 5.2.5. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

¹ 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.

² 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.

³ 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.

⁴ 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.

- 5.2.6. the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.2.7. 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-
 - 5.2.7.1. an internal appeal;
 - 5.2.7.2. a complaint to the Regulator; and
 - 5.2.7.3. 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;
- 5.2.8. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.2.9. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.2.10. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

5.2.11. the regulations made in terms of section 92¹¹.

5.3. Members of the public may inspect or make copies of the PAIA Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.4. The PAIA Guide may also be obtained-

5.4.1. upon request to the Information Officer; and/or

5.4.2. from the website of the Regulator at https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf

6. RECORDS HELD BY GATEHOUSE

6.1. Records relating to the form of practice and related matters:

6.1.1. Documents related to the establishment of the practice, such as documents required in terms of the Companies Act 71 of 2008;

6.1.2. Practice policies and minutes of meetings

6.2. **Records relating to the registration of practitioners working at the practice:**

6.2.1. Proof of registration at the HPCSA and related documents

⁹ 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.

¹⁰ 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.

¹¹ 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.”

6.3. Employment records:

- 6.3.1. Employment contracts;
- 6.3.2. conditions of employment and workplace policies;
- 6.3.3. employment equity and skills development plans and reports;
- 6.3.4. attendance register;
- 6.3.5. salary and wage register;
- 6.3.6. performance management records;
- 6.3.7. collective agreements;
- 6.3.8. documents related to disciplinary proceedings,
- 6.3.9. arbitration awards as well as documents related to legal matters and all matters before the Commission for Conciliation, Mediation and Arbitration ("CCMA");
- 6.3.10. expense accounts;
- 6.3.11. relevant tax information and related records;
- 6.3.12. medical scheme and pension fund membership records;
- 6.3.13. records relevant to contracted staff;
- 6.3.14. essential services' permits; and
- 6.3.15. information related to the membership of professional societies.

6.4. Patient records:

6.4.1. Records are kept in respect of all patient engagements, which include health information and other relevant personal information.

6.5. Patient management records:

6.5.1. Protocols, guidelines and related documentation in respect of the management of patients.

6.6. Clinical trial records:

6.6.1. Records related to participation in clinical trials.

6.7. Health and safety records:

6.7.1. Evacuation plan;

6.7.2. Information related to the Health and Safety Committee / health and safety officer; and

6.7.3. Health and safety incident reports.

6.8. Financial records:

6.8.1. Annual Financial Statements;

6.8.2. auditor's reports;

6.8.3. accounting records;

6.8.4. bank statements;

- 6.8.5. invoices, statements;
- 6.8.6. receipts and related documents;
- 6.8.7. VAT records;
- 6.8.8. payments to the South African Revenue Services (“SARS”), and
- 6.8.9. tax returns and related documentation.

6.9. Records related to assets:

- 6.9.1. Asset register;
- 6.9.2. purchase records;
- 6.9.3. financing and lease agreements;
- 6.9.4. sale and purchase agreements;
- 6.9.5. title deeds;
- 6.9.6. mortgage bond documentation,
- 6.9.7. debenture register;
- 6.9.8. registers and records kept in terms of the Medicines and Related Substances Act 101 of 1965;
- 6.9.9. stock sheets;
- 6.9.10. delivery notes and orders; and
- 6.9.11. sale and purchase agreements.

6.10. Agreements:

6.10.1. Agreements with contractors, consultants, suppliers and vendors, including agreements with funders and agreements related to clinical trials.

6.11. Records relating to legal processes:

6.11.1. Pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;

6.11.2. settlement agreements; and

6.11.3. legal opinions/advice.

6.12. Insurance records:

6.12.1. Insurance policies and related records, including in respect of professional indemnity cover; and claims records.

7. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The practice is required to hold certain records in terms of the following legislation subject to the specific protection offered by these laws:

7.1. Basic Conditions of Employment Act 75 of 1997;

7.2. Children's Act 38 of 2005;

7.3. Companies Act 71 of 2008;

- 7.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 7.5. Consumer Protection Act 68 of 2008;
- 7.6. Disaster Management Act 57 of 2002;
- 7.7. Electronic Communications and Transactions Act 25 of 2002;
- 7.8. Employment Equity Act 55 of 1998;
- 7.9. Hazardous Substances Act 15 of 1973;
- 7.10. Health Professions Act 56 of 1974;
- 7.11. Income Tax Act 58 of 1962;
- 7.12. Labour Relations Act 66 of 1995;
- 7.13. Medical Schemes Act 131 of 1998;
- 7.14. Medicines and Related Substances Act 101 of 1965;
- 7.15. Mental Health Care Act 17 of 2002;
- 7.16. National Health Act 61 of 2003;
- 7.17. Occupational Health and Safety Act 85 of 1993;
- 7.18. Promotion of Access to Information Act 2 of 2000;
- 7.19. Protection of Personal Information Act 4 of 2013;

- 7.20. Regulations governing private health establishments Provincial Notice 187 of 2001 of 22 June 2001 (Western Cape);
- 7.21. Road Accident Fund Act 56 of 1996;
- 7.22. Skills Development Levies Act 9 of 1999;
- 7.23. Skills Development Act 97 of 1998;
- 7.24. Unemployment Contributions Act 4 of 2002;
- 7.25. Unemployment Insurance Act 63 of 2001; and
- 7.26. Value Added Tax Act 89 of 1991.

8. RECORDS HELD BY GATEHOUSE THAT ARE AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(2) OF PAIA

Type of Record	How to access
Privacy Policy	Visit the Website
Banking Details	Request by email
Newsletters, circulars, Brochures etc	Request by email
Company Information	Visit Gatehouses Website

9. HOW TO REQUEST ACCESS TO RECORDS HELD BY GATEHOUSE

- 9.1. Gatehouse has appointed an Information Officer to deal with all matters relating to PAIA, in order comply with its obligations thereunder. To request access to record, please complete **Form 2**.
- 9.2. Please submit the completed Form (together with the relevant request fee we explained below) to our Information Officer's email address or at our physical address.

9.3. Please ensure that the completed form contains the following information:

9.3.1. has enough information for the Information Officer to identify –

- (i) you;
- (ii) the requested records; and
- (iii) the form of access you require.

9.3.2. specifies your email address, postal address, or fax number (if applicable);

9.3.3. describes the right that you seek to exercise or protect;

9.3.4. explains why you need the requested record(s) to exercise or protect that right;

9.3.5. provides any other way you would like to be informed of our decision, other than in writing; and

9.3.6. provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (Gatehouse) shall decide whether this proof is satisfactory.

9.4. If you do not use the standard form, Gatehouse may:

9.4.1. reject the request due to lack of procedural compliance;

9.4.2. refuse it if you do not provide sufficient information; or

9.4.3. delay it.

10. FORM OF ACCESS

- 10.1. Gatehouse shall evaluate and consider all requests for information received. If Gatehouse approves a request, it shall decide how to provide access to you, unless you have asked for access in a specific form.
- 10.2. Publication of this PAIA Manual does not give rise to any rights to access information or any records of Gatehouse, except as contemplated in terms of PAIA.

11. PRESCRIBED FEES

11.1. Request Fee

- 11.1.1. When submitting a request for information, the requestor is required to pay Gatehouse a Request Fee as the law prescribes.
- 11.1.2. A requestor shall pay the prescribed fee before Gatehouse provides access to the information requested.
- 11.1.3. A requestor shall receive a notice from the Information Officer upon receiving a request, setting out the application procedure.

11.2. Access Fee

- 11.2.1. If Gatehouse grants a request for access to information, the requestor shall also pay Gatehouse an Access Fee (as prescribed by law) that includes a fee for the time it takes Gatehouse to handle a specific request(s) and/or if the time has exceeded the prescribed hours, the time spent to search and prepare the record(s) for disclosure. The Information Officer shall notify the requestor if he/she needs to pay a deposit in respect of the Access fee. The deposit may be up to 1/3rd (one third) of the prescribed Access Fee.

11.2.2. The Access Fee shall provide for:

11.2.2.1. the costs of making the record, or transcribing the record;

11.2.2.2. a postal fee (if applicable); and

11.2.2.3. the reasonable time the authorised employees of Gatehouse require to search for the record(s) requested and prepare such record(s) for the requestor.

11.2.3. If the requestor paid the deposit and Gatehouse refuses a request, Gatehouse shall refund such deposit amount to the requestor. Until the requestor has paid all the applicable fees, Gatehouse is entitled to withhold the records requested.

12. GROUND TO REFUSE ACCESS

12.1. Gatehouse may refuse access to certain records in terms of PAIA to *inter alia* protect:

12.1.1. a client/employee/third party's/Gatehouses privacy;

12.1.2. a client/employee/third party's/Gatehouses confidential information;

12.1.3. the safety of clients, individuals, and property of Gatehouse;

12.1.4. another company's commercial information; and/or

12.1.5. records that are privileged from production in legal proceedings.

12.2. Decision on providing access to information:

12.2.1. Gatehouse shall notify the requestor in writing whether his/her request has been approved or denied within 30 (thirty) calendar days after receiving such request.

12.2.2. If Gatehouse is unable to find a copy of the record requested, or it transpires that such record(s) does not exist, the Information Officer shall notify the requestor by way of affidavit that it is not possible to provide access to such record(s).

13. PROCESSING OF PERSONAL INFORMATION

13.1. Purpose of Processing Personal Information

13.1.1. Gatehouse processes Personal Information (as defined in POPIA) of clients to enable Gatehouse to provide the necessary legal and administrative services to its clients.

13.2. Description of the categories of Data Subjects and Personal Information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Clients	names, address(es), identity numbers, gender, employment status, bank details, confidential client information, confidential business information, trade secrets. etc
Service Providers	names, registration numbers, vat numbers, address(es), trade-secrets, bank details, etc,
Employees	names, address(es), identity numbers, qualifications, employment status, medical information, gender, race, bank details etc.

13.3. The recipients or categories of recipients to whom the Personal Information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number(s) and names for criminal checks of Clients and prospective & current Employees	South African Police Services
Credit and payment history, for credit information of Clients and Employees	Credit Bureaux and Financial Intelligence Centre
Identity number(s), email address(es), telephone numbers, physical address(es), bank details etc. of Clients and Employees	Auditors and Financial Intelligence Centre

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

13.4.1. Gatehouse has implemented various security safeguards to ensure the confidentiality and integrity of the Personal Information under its care by implementing:

13.4.1.1. Password Protection on all devices;

13.4.1.2. Anti-Virus Software;

13.4.1.3. Anti Malware;

13.4.1.4. POPIA Policies; and

13.4.1.5. Employee Confidential Undertakings

14. REMEDIES IF GATEHOUSE DENIES ACCESS TO RECORDS

14.1. If Gatehouse denies a request for access to a record(s), then the requestor may apply to a court with appropriate jurisdiction or complain to the Information Regulator

15. AVAILABILITY OF THE MANUAL

15.1. A copy of the Manual is available:

15.1.1. at the head office of Gatehouse for public inspection during normal business hours;

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

15.1.3. to the Information Regulator upon request.

15.2. 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.

16. UPDATING OF THE MANUAL

16.1. The Information Officer of Gatehouse shall on a regular basis update this PAIA Manual.

Issued by

GAYLENE DU PLESSIS
(Information Officer)

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer