

# **PAIA MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT**



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## **1. PURPOSE**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA). PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and information held by another person or entity, where such information is required by a person to protect his/her rights. This manual serves to inform members of

the public of the categories of information the practice holds. Access to the records and information is not automatic. Any person, who would like to request access to any of the above records or information, is required to complete a request form, which is attached to this Manual as **Annexure A**.

## **2. INTRODUCTION TO THE PRACTICE**

NICOLE COMNINELLIS INC is an incorporated company of which the principal business is the rendering of physiotherapy services to patients. It is conducted in accordance with the requirements of the Health Professions Act 56 of 1974 and is subject to the authority of the Health Professions Council of South Africa (HPCSA). The physiotherapists practising at the practice are registered at the HPCSA and provide physiotherapy services within the scope and ambit of their registration, competence and training at the practice. Physiotherapists are bound by the Ethical Rules issued by the HPCSA, most notably the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

**Practice details:****Practice Name:** NICOLE COMNINELLIS INC.**Registration Number:** P0832073**Head of the Practice:** NICOLE COMNINELLIS**Information Officer:** NICOLE COMNINELLIS**Physical Address:** SUITE 316 LIBRARY SQUARE, WILDERNESS ROAD, CLAREMONT, 7708**Postal Address:** SUITE 316 LIBRARY SQUARE, WILDERNESS ROAD, CLAREMONT, 7708**Telephone Number:** 0762271432

Fax Number: n/a

**E-mail address:** prac-admin@nc-physiotherapy.com**Website address:** www.thelaunchpad-kids.com**3. AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available:

- At the practice;
- On request from the Information Officer; and
- On the practice's website: [www.thelaunchpad-kids.com](http://www.thelaunchpad-kids.com)

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

**4. GUIDE OF THE SA HUMAN RIGHTS COMMISSION**

The SA Human Rights Commission (SAHRC) has, in terms of section 10 of PAIA developed a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. This Guide contains amongst others the following information:

- The purpose of PAIA;
- The manner, form and costs of a request for access to information held by a body;
- Assistance available from Information Officers and the SAHRC;
- Legal remedies when access to information is denied;
- When access to information may be denied; and
- The contact details of Information Officers in the National, Provincial and Local Government.

The Guide is available on the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za). Copies of the Guide can also be obtained at all the SAHRC's provincial offices of which the contact details are included in the Guide. Enquiries regarding the Guide can be addressed to the SAHRC of which the contact details are as follows:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: 011 877 3600

Fax Number: 011 403 0625

E-mail: [lidlamini@sahrc.org.za](mailto:lidlamini@sahrc.org.za)

## 5. HOW TO REQUEST ACCESS TO RECORDS HELD BY THE PRACTICE

Requests for access to records held by the practice must be made on the request form that is attached to this Manual as **Annexure A**. It is also available from the Information Officer (refer to the contact details stipulated above) or on the website of the SAHRC.

When a record is requested, please note that:

- The fees are prescribed for requesting and accessing information and records held by the practice. A requestor (other than a personal requester) is required to pay the prescribed fee of R50 before a request will be processed. The fees, which may be revised from time to time, are attached hereto as **Annexure B**. Details of the fees payable may also be obtained from the Information Officer and are available from the SAHRC. A requester may be called upon to pay the additional fees prescribed by regulation for searching and compiling the information, which has been requested, including copying charges.
- The fact that information and records are held by the practice as listed in this Manual should not be construed as conferring upon any requester any right to that information or record. Access to the requested records or information or parts of the records or information may be refused in terms of the law. All requests will be evaluated against the provisions of PAIA. PAIA allows the Information Officer to refuse access on grounds stipulated in PAIA. A requester can, for example, not access another person's confidential information or trade and commercial secrets of a business.
- On the request form all details must be completed, including the right the requester wants to exercise or protect by requesting the information and an explanation why the record requested is required for the exercise or protection of that right.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.
- If the requester is acting on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

- If the record is part of another record, the requester will only be allowed access to the part(s) that pertains to the information he or she wants or is entitled to, and not the rest of the record.

An answer to a request for information must be made within 30 days of the request. If access is not granted and the requester is not satisfied with the reasons for the refusal of access, he or she may approach the courts.

## **6. RECORDS AUTOMATICALLY AVAILABLE**

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA.

However, the information on the website of the practice is automatically available without a person having to request access in terms of PAIA.

## **7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

Information is available in terms of the following legislation to the persons or entities specified in such legislation subject to the specific protections offered by such laws.

### **Business legislation (including all amendments and regulations issued in terms of such legislation):**

Companies Act 71 of 2008; Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Electronic Communications and Transactions Act 25 of 2002; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Compensation for Occupational Injuries and Diseases Act 130 of 1993; Occupational Health and Safety Act 85 of 1993; Promotion of Access to Information Act 2 of 2000; Protection of Personal Information Act 4 of 2013; Road Accident Fund Act 56 of 1996; Skills Development Act 97 of 1998; Unemployment Contributions Act 4 of 2002.

### **Health legislation (including amendments and regulations issued in terms of such legislation):**

Health Professions Act 56 of 1974; National Health Act 61 of 2003; Medical Schemes Act 131 of 1998; Medicines and Related Substances Act 101 of 1965; Children's Act 38 of 2005; Mental Health Care Act 17 of 2002.

## 8. RECORDS HELD BY THE PRACTICE


The practice holds the records in the categories stipulated below. The fact that information and records are held by the practice as listed in this Manual should not be construed as conferring upon any requester any right to that information or record. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any right. If a public body lodges a request, the public body must be acting in the public interest. Access to records and information is not automatic. Any person, who would like to request access to any of the records or information, is required to complete a request form and pay the fees specified in PAIA.

- **Internal records relating to the practice and business**, which includes the practice's founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; marketing records; other internal policies and procedures; internal correspondence; statutory records; etc.
- **Personnel records**, which include records relating to temporary, fixed term, part-time and permanent employees, contractors, partners and directors. These records include personal files and similar records; records third parties have provided to the practice about their personnel; employment contracts; conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all other employment-related records and correspondence.
- **Patient records**, which include patient lists; health records; funding records; agreements, consent documents; financial and accounts information; research information; profiling and similar information. *It must be noted that, in the health sector personal and patient information are confidential and protected by legislation and ethical rules and disclosure can only take place, if at all, subject to that legislation and rules.*
- **Supplier and service provider records**, which include supplier registration; contracts; confidentiality agreements and non-disclosure agreements; communication; logs; delivery records; commissioned work; and similar information, some of which might be provided to the practice by suppliers and providers under service and other contacts.
- **Third party information**, which may be in the practice's possession but which would be subject to the conditions set in relation to such possession.
- **Environment and market information**, which include information purchased, publicly available information and commissioned information which pertains to the specific sector and market of the practice and factors that affect the business, professional and healthcare environment.

DATA SUBJECTS	CATEGORIES OF RECORDS
Partners, directors, shareholders and employees	Proof of registration at and payment of fees to the Health Professions Council of SA (HPCSA) and other statutory councils; Employment contracts and records; Certificates of good standing; Insurance policies; Complaints; Disciplinary and court proceedings; Employment equity records; Pension and retirement fund records; Medical scheme membership records; Membership of professional societies; Salary and payroll records; Tax certificates; PAYE, UIF (Unemployment Insurance Fund) and SDL (Skills Development Levies) returns and related records; Correspondence with the HPCSA, insurers and other persons / bodies; Leave records, including study leave and sick leave; Medical certificates; Continuing Professional Development (CPD) / Training events, certificates and records; Locum records; Skills development plans and records; Performance management records
Other contractors, vendors and suppliers, switching companies, insurers, auditors, legal counsel, consultants, debt collectors	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt collection agreements; Legal opinions and advice; Correspondence
Patients	Patient records; Invoices; Payment records; Correspondence.
Referrals	Referral notes; Reports from other health care practitioners; Correspondence
Hospitals	Correspondence
Public Bodies (e.g. Department of Health, Road Accident Fund, Compensation Commissioner, UIF and Statutory Councils (e.g. HPCSA))	Complaints submitted to the relevant statutory councils; Correspondence; Newsletters and circulars issued by these bodies and councils

Professional Societies e.g. SA Society of Physiotherapy (SASP)	Constitutions; Notices; Correspondence; Payment records
Insurers	Insurance policies; Payment and claims records
Medical Schemes	Claims; Remittance advices; Correspondence

Signed on 01/01/2024 at CAPE TOWN



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Signature by the Head of the Practice / Information Officer  
Name: NICOLE COMNINELLIS