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PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

Dr Duane Arnold Mol

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information held by the State and to information held by another person or entity, whether such information is required by someone to protect his/her rights.

OVERVIEW

Dr Duane Arnold Mol is an ENT – ear, nose and throat, Practice.

We work in the health sector and are healthcare professionals registered under the Health Professions Act of 1974, and are subject to the rules and regulations of the Health Professions Council of SA (HPCSA).

This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosure after evaluation of an an access application being made in terms of the Act.

AVAILABILITY OF THIS MANUAL

A copy of this Manual is available -

- At our reception desk at our practice at Suite 212, Union Hospital, 47 Clinton Rd, Alberton
- On request from our Information Officer
- On our website: www.earmagic.co.za
- From the South African Human Rights Commission ("SAHRC") at the addresses and/or telephone numbers as published by the Commission

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

OUR INFORMATION OFFICER

OUR INFORMATION OFFICER IS:

Name & surname: Marli Johnson

Designation in practice: Accounts manager

Tel nr: 011 907 9523

Alternative tel nr: 011 869 6269

E-mail: duanemol2@netactive.co.za

HOW TO REQUEST ACCESS TO RECORDS HELD BY US

Requests for access to records held by this practice must be made on the request forms that are available from our website or rooms, or from the SAHRC website (www.sahrc.org.za).

When a record is requested, the following will apply:

- Fees may be payable. These fees are prescribed by law, and can change from time to time. The fee list is attached to this document.
- The Request Form must be completed. It can be obtained from the Information Officer, on the SAHRC website (www.sahrc.org.za) or on the website of the Department of Justice (www.justice.gov.za) under "PAIA" and "forms". It is also attached to this Manual.
- **On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information.**
- If the requester is acting on behalf of someone else, the signature of the other person as the one who is authorised the request to be made.
- The requester must state in which form (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the requester will only be access the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.

All requests will be evaluated against the provisions of the Act. The Act allows the Information Officer to refuse access on grounds stipulated in the Act. One can, for example, not access another person's confidential information, or trade- or commercial secrets of a business.

An answer on a request for information must be made within 30 days of the request, and if not granted and the requester is not satisfied s/he can approach the courts within 30 days.

HOW THE ACT WORKS AND INFORMATION PUBLISHED BY THE SAHRC

More information on how the Act works and all other information can be obtained from the SAHRC – SA Human Rights Commission - at:

Private Bag X2700
Houghton
2041

Braampark Forum 3
33 Hoofd Street
Braamfontein

Tel: 011 877 3600

www.sahrc.org.za

There are also provincial SAHRC offices in all nine provinces.

VOLUNTARY DISCLOSURE

The following information is made known automatically in the Practice and on its website and persons do not have to request such information:

- Our Practice forms (terms and conditions, personal information forms);
- Notices to patients on funding or practice arrangements, such as business hours, after hours services, etc.;
- Information leaflets / brochures on healthcare etc.
- Billing and fee information;

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, as well as the specific protections offered by such laws. As legislation change from time to time, and new laws may stipulate new manners and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

The listed acts below can be accessed via the internet.

Business legislation (including all regulations issued in terms of such legislation)

The 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; Occupational Health and Safety Act 85 of 1993; Compensation for Occupational Injuries and Diseases Act 130 of 1993; Road Accident Fund (Transitional Provisions) Act 15 of 2012; Road Accident Fund Act 56 of 1996; 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; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Protection of Personal Information Act 4 of 2013; Broad-based Black Economic Empowerment Act 53 of 2003; Competition Act 89 of 1998; National Credit Act 34 of 2005; Long-term Insurance Act 52 of 1998; Short-term Insurance Act 53 of 1998; Pension Funds Act 24 of 1956; National Environmental Management: Waste Act 59 of 2008.

Health legislation (including all regulations issued in terms of such legislation)

(This legislation is of extreme relevance in the health sector and Requesters should familiarise themselves with it.)

The National Health Act 61 of 2003; Medical Schemes Act 121 of 1998; Medicines and Related Substances Act 101 of 1965; Hazardous Substances Act 15 of 1973; Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972; Children's Act 38 of 2005; Mental Healthcare Act 17 of 2002; Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; Allied Health Professions Act 63 of 1982; Health Professions Act 56 of 1974; Pharmacy Act 53 of 1974; Nursing Act 33 of 2005; Standards Act 8 of 2008; National Regulator for Compulsory Specifications Act 5 of 2008.

RECORDS HELD BY THE PRACTICE

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records**, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Internal records relating to our business, which includes our practices founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, trade marks and other intellectual property; marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; etc.

Personnel records, which includes records relating to temporary employees, fixed term employees, part-time employees, permanent employees, locums, associates, contractors. It includes personal files and similar records, records third parties have provided to us 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 employment-related records and correspondence.

Client/patient records, which includes client/patient lists; appointments; health records; medical reports; healthcare and other funding records; agreements; consents; needs assessments; financial and accounts information; research information; evaluation records; profiling; and similar information.

It must be noted that, in the health sector, personal, health and patient information are protected by legislation such as the Protection of Personal Information Act, the National Health Act and ethical rules, and disclosure can only take place, if at all, within those frameworks.

Supplier and service provider records, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service- and other contacts.

Technical records, which includes our website / applications and the source codes relating to those; billing- and practice software; manuals, logs, electronic and cached information; product (medical device, medicines, etc.) regulatory requirements, such as product certificates, product vigilance records, prescription books, dispensing records, etc.; health professionals council / statutory body records, approvals, conditions and requirements; professional association / management group information.

Third party information, which may be in our possession but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

Health Environment and market information, which include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our practice and factors that affect the practice, professional and healthcare environment.

ANNEXURE:

REQUESTER FORM (to be completed by any person or entity wanting to access records held by the Practice. "private body" refers to the Practice and "the head" refers to the head of the Practice. If a person is not requesting his or her own information, the person or entity requesting it on his/her behalf must indicate that clearly below, and attach a signed mandate to that effect (section C below).)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|--|
| (a) | <i>The particulars of the person who requests access to the record must be given below.</i> |
| (b) | <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i> |
| (c) | <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i> |

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

<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>
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Full names and surname:

Identity number:

(please attach mandate to make request on behalf of another person)

D. Particulars of record (information you are requesting from the Practice)

- | | |
|--|---|
| (a) | <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.</i> |
| (b) | <i>If the provided space is inadequate, please continue on a separate folio and attach it to this form.</i> |
| <i>The requester must sign all the additional folios.</i> | |

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

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:
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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"/>		<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 soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (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"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			<input type="checkbox"/> YES
Postage is payable.			<input type="checkbox"/> 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.***

1. Indicate which right is to be exercised or protected by you accessing this information / record:

2. 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 _____ 2____.

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