

## Dr Claire Cullen Inc PAIA Manual

*(In terms of Section 51 of the Promotion of Access to Information Act, 2000)*

*The Act 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 to information held by another person or entity, where such information is required by someone to protect his/her rights. To request access to information held by this practice please complete Annexure A.*

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## Overview

Dr Claire Cullen Inc / Kids Eyes is an Ophthalmic Practice where the diagnosis and treatment of disorders of the eye, specialising in paediatric eye conditions and adult strabismus, is dealt with. It is classified under the health sector and Dr Cullen is a healthcare professional registered under the Health Professions Act of 1974 and is 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 held within the practice, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

## Contact Details

**Information Officer:** Carina Booysen

**Email:** [carina@kidseyes.co.za](mailto:carina@kidseyes.co.za)

**Cell:** 071 897 1311

**Tel:** 011 458 2027/8

## The Act and Information Published by the SAHRC

- The Act 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.
- Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.
- 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.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights.

Further information on the Act can be obtained from SAHRC, at:

<https://www.sahrc.org.za/index.php/understanding-paia>

### **Gauteng Provincial Office:**

Provincial Manager: Buang Jones

Telephonic Contact: 082 059 6520 (WhatsApp Enabled)

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

*There are also provincial SAHRC offices in all nine provinces.*

## Manual Availability

Should you wish to request a copy, this manual is available on request from the Practice's Information Officer and per arrangement at our reception desk at the practice. To facilitate the processing of your request, kindly:

Use the prescribed Form C, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [Lodging PAIA Requests \(sahrc.org.za\)](http://Lodging PAIA Requests (sahrc.org.za))

Address your request to the Practice's Information Officer.

Provide sufficient details to enable the COMPANY to identify:

1. The record(s) requested;
2. The requester (and if an agent is lodging the request, proof of capacity);
3. The form of access required;
  - The postal address or fax number of the requester in the Republic;
  - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
4. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
5. 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.
6. If the record is part of another record, the requester will only be granted access the part(s) that pertain(s) 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.
7. 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.

## Voluntary Disclosure

The following information is made known automatically:

- Terms and Conditions of the practice
- Policies and Forms related to healthcare and healthcare information This information is available at reception or can be emailed upon request. Persons do not have to fill in the "request for access to record of private body" form for such information.

## Applicable 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 changes from time to time, and new laws may stipulate new matters 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. Business legislation (including all regulations issued in terms of such legislation):

No	Ref	Act
1.	71 of 2008	The Companies Act
2.	58 of 1962	Income Tax Act
3.	89 of 1991	Value Added Tax Act
4.	66 of 1995	Labour Relations Act
5.	75 of 1997	Basic Conditions of Employment Act
6.	55 of 1998	Employment Equity Act
7.	9 of 1999	Skills Development Levies Act
8.	63 of 2001	Unemployment Insurance Act
9.	130 of 1993	Compensation for Occupational Injuries and Disease Act
10.	85 of 1993	Occupational Health and Safety Act
11.	25 of 2002	Electronic Communications and Transactions Act
12.	103 of 1996	Telecommunications Act
13.	36 of 2005	Electronic Communications Act
14.	68 of 2008	Consumer Protection Act
15.	34 of 2005	National Credit Act
16.	4 of 2013	Protection of Personal Information Act
Health legislation (including all regulations issued in terms of such legislation): This legislation is of extreme relevance in the health sector and Requesters should familiarize themselves with it.		
17.	61 of 2003	The National Health Act
18.	121 of 1998	Medical Schemes Act
19.	101 of 1965	Medicines and Related Substances Act
20.	38 of 2005	Children's Act
21.	17 of 2002	Mental Healthcare Act
22.	56 of 1974	Health Professions Act

## 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 business's founding and other documents, minutes, and policies; annual and other reports; financial records; operational records, policies, and procedures; contracts; licenses, trademarks, and other intellectual property; production, 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, partners, and directors.
  - It includes personal files and similar records, records a 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; health records; medical reports; 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 and patient information are protected by legislation 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 contracts.
- Technical records, which includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professions council / statutory body records, approvals, conditions and requirements, trade association information and similar product 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.
- Environment and market information, which include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our business and factors that affect the business, professional and healthcare environment.

### **Fees in Respect of Records Requested from Private Bodies**

- The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in regulation 11 (1) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R 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 R 0,75
  - (c) For a copy in a computer-readable form on compact disc R 70,00
  - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
    - (ii) For a copy of visual images R 60,00
  - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
    - (ii) For a copy of an audio record R 30,00
- The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.