

Drs Kauffman and Partners Inc

Information Manual

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Promotion of Access to Information Act 2 of 2000

And

Section 17 of the

Protection of Personal Information Act 4 of 2013

Drs Kauffman & Partners Inc

Information Manual June 2021

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1. Introduction

Drs Kauffman & Partners Inc (the “Company”) conducts business as a private specialist radiography practice, 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 practitioners within this practice are independently registered with the HPCSA and are bound by the Ethical Rules issued by the HPCSA, most notable the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”).

In addition, it explains how to access, or object to, personal information held by the Company, or request correction of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPI Act”).

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information 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 shall be made in accordance with the prescribed procedures, at the rates provided.

The forms and tariff are dealt with in section 5.

1.1. Availability of this PAIA Manual

This manual is published on the Company website at www.xraypmb.co.za or alternatively, a copy can be requested from the Deputy Information Officer (see contact details in section 2).

1.2. Availability of guides to the PAIA and POPI Acts

Guides to the PAIA and POPI Acts can be obtained and queries directed to:

PAIA Act	POPI Act
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041 29 Princess of Wales Terrace Corner York and St Andrews Street Parktown Johannesburg 2193 Telephone number: (011) 484 8300 Fax number: (011) 484 7146/7 Website : www.sahrc.org.za E-mail : PAIA@sahrc.org.za	Information Regulator (details still to be published)

2. Company contact details

Company contact details:

Drs Kauffman & Partners Inc

1996/008443/21

P O Box 13850

Cascades

3202

331 Burger Street

Pietermaritzburg

3201

Telephone number: 033 392 8800 (Switchboard)

Website : www.xraypmb.co.za

Duly authorised persons:

Information Officer:

Dr Sanele Mncube

E-mail:

Telephone number: (033) 392 8800

Deputy Information Officer:

Kim Gouws

E-mail: admin@xraypmb.co.za

Telephone number: (033) 392 8800

3. Company records

3.1. Records held by the Company

For the purposes of this clause 3.1, "Personnel" refers to any person who works for, or provides services to, or on behalf of the Company and received or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors, all permanent, temporary and part-time staff, as well as contract workers.

This clause serves as a reference to the categories of information that the Company holds.

The information is classified and grouped according to records relating to the following subjects and categories:

SUBJECT	CATEGORY
Companies Act Records	<ul style="list-style-type: none">• Documents of incorporation• Index of names of directors• Memorandum of incorporation• Minutes of meetings of the board of directors• Minutes of meetings of shareholders• Proxy forms• Register of directors' shareholdings• Share certificates• Share register and other statutory registers• Special resolutions• Resolutions passed at general meetings• Records relating to the appointment of:<ul style="list-style-type: none">○ Auditors○ Directors○ Prescribed officer○ Public Officer○ Secretary
Practitioner Registration Records	<ul style="list-style-type: none">• Registration certificates at the HPCSA• Proof of payment of registration and annual fees to the HPCSA
Financial Records	<ul style="list-style-type: none">• Accounting records• Annual financial statements• Annual financial reports• Asset registers• Bank statements• Banking details and bank accounts
Income Tax Records	<ul style="list-style-type: none">• Banking records• Debtors / Creditors statements and invoices• General ledgers and subsidiary ledgers• General reconciliations• Invoices• Paid cheques• Policies and procedures

	<ul style="list-style-type: none"> • Rental agreements • Tax returns • PAYE records • Documents related to employees for income tax purposes • Records of payments made to SARS on behalf of employees • All other statutory compliances • VAT • Skills development levies • UIF • Occupational Injury and Diseases
Personnel Documents and Records	<ul style="list-style-type: none"> • Accident books and records • Address lists • Disciplinary code and records • Employee benefit arrangements rules and records • Employment contracts • Employment equity plan • Forms and applications • Grievance procedures • Leave records • Medical aid records • Payroll reports • Provident fund records • Safety, health and environmental records • Salary records • SETA records • Standard letters and notices • Training manuals • Training records
Procurement Department	<ul style="list-style-type: none"> • Standard terms and conditions for supply of services and products • Contractor, client and supplier agreements • Lists of suppliers, products, services and distribution • Policies and procedures • Insurance policies (including professional indemnity insurance policies and related records) • Insurance claims records
Sales Department	<ul style="list-style-type: none"> • Customer details • Information and records provided by a third party • Managed care and medical scheme agreements
Marketing Department	<ul style="list-style-type: none"> • Advertising and promotional material
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports • Risk management framework • Risk management plans

Safety, Health and Environment	<ul style="list-style-type: none"> • Complete safety, health and environmental risk assessment • Evacuation plan • Health and safety committee • Inquiries, inspections, examinations by environmental authorities
IT Department	<ul style="list-style-type: none"> • Computer / mobile device usage policy documentation • Disaster recovery plans • Hardware asset registers • Information security policies / standard / procedures • Information technology systems and user manuals • Information usage policy documentation • Project implementation plans • Software licencing • System documentation and manuals
Patient records	<ul style="list-style-type: none"> • Historical medical imaging • Historical medical reporting • Historical results form a third party • Financial arrangements with patients

- Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Company will consider access.
- Records of a public nature, typically those disclosed on the Company's website and in its various publications, may be accessed without the need to submit a formal application.
- Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to made with the Deputy Information Officer.

4. Information available in terms of other legislation

The practice is required to hold certain records in terms of the following legislation:

- ◆ Basic Conditions of Employment Act 75 of 1997
- ◆ Children's Act 38 of 2005
- ◆ Companies Act 71 of 2008
- ◆ Compensation for Occupational Injuries and Diseases Act 130 of 1993
- ◆ Consumer Protection Act 68 of 2008
- ◆ Electronic Communications and Transactions Act 25 of 2002
- ◆ Employment Equity Act 55 of 1998
- ◆ Hazardous Substances Act 15 of 1973
- ◆ Health Professionals Act 56 of 1962
- ◆ Income Tax Act 58 of 1962

- ◆ Labour Relations Act 66 of 1995
- ◆ Medical Schemes Act 131 of 1998
- ◆ Medicines and Related Substances Act 101 of 1965
- ◆ Mental Health Care Act 17 of 2002
- ◆ National Health Care Act 61 of 2003
- ◆ Nursing Act 33 of 2005
- ◆ 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 Levies Act 9 of 1999
- ◆ Skills Development Act 977 of 1998
- ◆ Unemployment Contributions Act 4 of 2002
- ◆ Unemployment Insurance Act 63 of 2001
- ◆ Value Added Tax Act 89 of 1991

5. Processing of personal information

Drs Kauffman and Partners takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African POPIA. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by the Company.

5.1. The purpose of processing of personal information by the Company

We process personal information for a variety of purposes, including but not limited to the following:

- Conducting a private radiology practice in terms of the law, including the administration of the practice and claiming payment for services rendered to patients
- to provide or manage any information, products and/or services requested by data subjects;
- for treatment and care of patients
- to help us identify data subjects when they contact the Company;
- to maintain patient records;
- for recruitment purposes;
- for employment purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners;
- to help us improve the quality of our products and services;
- to help us detect and prevent fraud and money laundering;
- to help us recover debts;

5.2. Categories of data subjects and personal information processed by the Company

Categories of data subjects and personal information processed by the Company include the following:

Categories of data subjects	Personal information processed
Patients and potential patients	<ul style="list-style-type: none">• Patient personal information• Medical aid details• Main member of medical aid personal information• Medical studies (images and reports) from other Radiologists.• Payment records and correspondence• Referral letters from outside practitioners
Vendors	<ul style="list-style-type: none">• Supplier personal information• Personal information of suppliers representatives• Agreements with suppliers• Non-disclosure agreements• Debt collection agreements• Legal opinions and advice• Invoices• Correspondence
Employees	<ul style="list-style-type: none">• Proof of registration at HPCSA• Proof of registration at Nursing Council• Employment contracts• Insurance policies• Complaints / grievances• Disciplinary and court proceedings• Employment equity records• Skills development records• Salary and payroll records• SARS records• Medical certificates

5.3. Recipients or categories of recipients with whom personal information is shared

We may share the personal information of our data subjects for any of the purposes outlined in Section 5.1

We do not share the personal information of our data subjects with any third parties, except if:

- we are obliged to provide such information for legal or regulatory purposes;
- we are required to do so for purposes of existing or future legal proceedings,
- we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- we are involved in the prevention of fraud, loss, bribery or corruption;
- they perform services and process personal information on our behalf;

- this is required to provide or manage any information, products and/or services to data subjects; or
- needed to help us improve the quality of our products and services.

We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them. We will only disclose personal information to government authorities if we are required to do so by law. Our employees, our agencies and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

5.4. Information security measures to protect personal information

Reasonable technical and organisational measures have been implemented for the protection of personal information processed by the Company and its operators. In terms of the PoPI Act, operators are third parties that process personal information on behalf of the Company.

We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

We will take steps to ensure that operators that process personal information on behalf of the Company apply adequate safeguards as outlined above.

5.5. Trans-border flows of personal information

We do not plan to send any personal information about any data subject across the border of the Republic of South Africa to third parties in foreign countries. Should this be required, patient consent will be obtained, where possible, and transfers of such information will occur in accordance with the requirements of the law. We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 5.4.

5.6. Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Company's Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

6. Prescribed request forms and fees

6.1. Form of request

To facilitate the processing of your request, kindly:

- 6.1.1. Use the prescribed form on the Company website.
- 6.1.2. Address your request to the Deputy Information Officer
- 6.1.3. Provide sufficient detail to enable the Company to identify:
 - 6.1.3.1. The record(s) requested.
 - 6.1.3.2. The requestor (and, if an agent is lodging the request, proof of capacity).

- 6.1.3.3. The South African postal address, email address or fax number of the requestor.
- 6.1.3.4. The form of access required.
- 6.1.3.5. The South African postal address, email address or fax number of the requestor.
- 6.1.3.6. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- 6.1.3.7. The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

6.2. Prescribed fees

The following applies to requests (other than personal requests):

- 6.2.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- 6.2.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 6.2.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 6.2.4. Records may be withheld until the fees have been paid.
- 6.2.5. The detailed Fee Structure is available on the website of the Company, at the following address: www.xraypmb.co.za

6.3. Access to prescribed forms and fees

Prescribed forms and fees are published on the Company website or, alternatively, copies can be requested from the Deputy Information Officer (see contact details in section 2). Prescribed forms and fees can be found on the Company website.

7. Remedies

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in section 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.