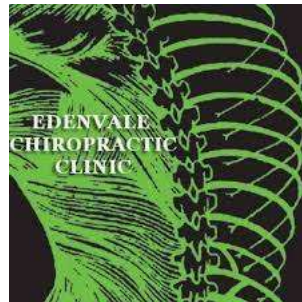


# **DR. DJ. WHELAN**

**Registered Chiropractor**

Pr #: 0394858

AHPCSA #: A10965



**PAIA MANUAL**

**in terms of**

**Section 51**

**of**

**The Promotion of Access to Information Act 2 of 2000**

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## **1. INTRODUCTION TO THE PRACTICE**

This is a private chiropractic practice, which is conducted in accordance with the requirements of the Allied Health Professions Act (Act 63 of 1982) and is subject to the authority of the Allied Health Professions Council of South Africa (AHPCSA). The practitioners practising at the practice are registered with the AHPCSA and provide chiropractic services within the scope and ambit of their registration, competence and training at the practice. The practitioners are bound by the Ethical Rules issued by the AHPCSA, most notably the duty to preserve patient confidentiality, unless legislation or a court order provides otherwise.

## **2. CONTACT DETAILS (Section 51(1)(a))**

Practice Name: Dr. DJ. Whelan  
 AHPCSA Registration Number: A10965  
 Head of the Practice: Dr. Darryn Whelan  
 Information Officer: Dr. Darryn Whelan  
 Physical Address: 91 7<sup>th</sup> Avenue, Edenvale, South Africa, 1609  
 Postal Address: 71 Glen Avenue, Highway Gardens, Edenvale, 1609  
 Telephone Number: (011) 453-8646  
 Fax Number: N/A  
 E-mail address: drdaz@edenvalechiropractors.co.za  
 Website address: www.edenvalechiropractors.co.za

## **3. GUIDE OF THE SA HUMAN RIGHTS COMMISSION (Section 51(1)(b)(i))**

The SA Human Rights Commission (SAHRC) has, in terms of section 10 of the Promotion of Access to Information Act (PAIA), developed a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA, which guide has been updated by the Information Regulator. 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 the Information Regulator;
- 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 Information Regulator's website at <http://www.justice.gov.za/inforeg>. Copies of the Guide can also be obtained from the Information Regulator of which the contact details are included in the Guide. Enquiries regarding the Guide can be addressed to the Information Regulator of which the contact details are as follows:

SALU Building  
 316 Thabo Sehume Street  
 Pretoria  
 Telephone: 012 406 4818  
 Fax: 086 500 3351  
 E-Mail Address: inforeg@justice.gov.za

**4. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51(1)(b)(iii))**

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

1. Allied Health Professions Act (Act 63 of 1982);
2. Basic Conditions of Employment Act (Act 75 of 1997);
3. Children's Act (Act 38 of 2005);
4. Companies Act (Act 71 of 2008);
5. Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993);
6. Consumer Protection Act (Act 68 of 2008);
7. Electronic Communications and Transactions Act (Act 25 of 2002);
8. Employment Equity Act (Act 55 of 1998);
9. Income Tax Act (Act 58 of 1962);
10. Labour Relations Act (Act 66 of 1995);
11. Medical Schemes Act (Act 131 of 1998);
12. Mental Health Care Act (Act 17 of 2002);
13. National Credit Act (Act 34 of 2005);
14. National Health Act (Act 61 of 2003);
15. Occupational Health and Safety Act (Act 85 of 1993);
16. Promotion of Access to Information Act (Act 2 of 2000);
17. Protection of Personal Information Act (Act 4 of 2013);
18. Road Accident Fund Act (Act 56 of 1996);
19. Skills Development Levies Act (Act 9 of 1999);
20. Skills Development Act (Act 97 of 1998);
21. Unemployment Contributions Act (Act 4 of 2002);
22. Unemployment Insurance Act (Act 63 of 2001); and
23. Value Added Tax Act (Act 89 of 1991).

**5. SCHEDULE OF RECORDS (Section 51(1)(b)(iv))**

The practice holds the following categories of records:

CATEGORIES OF RECORDS	DOCUMENT TYPE
<b>Records relating to the form of practice and related matters</b>	Documents pertaining to a partnership, a personal liability company (previously an incorporated company) as required by the Companies Act 71 of 2008 or any other acceptable practice form, including, but not limited to the prescribed certificates, memorandum and articles of association / memorandum of incorporation, forms and registers of directors and shareholders, company rules, minute books, resolutions and

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	shareholders'/partnership agreements; Practice code numbers and related records
<b>Records relating to the registration of practitioners working at the practice</b>	Registration certificates at the AHPCSA and related documents; Proof of payment of registration and annual fees to the AHPCSA
<b>Employment records</b>	Employment contracts; conditions of employment and work place policies such as leave policies; Employment equity and skills development plans and reports; Salary register; Documents related to disciplinary proceedings, arbitration awards, CCMA (Commission for Conciliation, Mediation and Arbitration) and other legal cases; expense accounts; relevant tax records and information pertaining to employees; <i>locum</i> contracts and related documents and records; contracted staff lists
<b>Financial records</b>	Annual financial statements, including directors'/partners' reports; auditors' reports; accounting records; bank statements; invoices, statements, receipts and related documents
<b>Tax and VAT records</b>	Copies of tax returns and documents relating to income tax and VAT, including payments made and VAT registration
<b>Patient records</b>	Records are kept in respect of all patients consulted at the practice, which include their medical history, treatment and relevant financial arrangements
<b>Health and safety records</b>	Evacuation plan; information related to the Health and Safety Committee / Officer; health and safety incident reports
<b>Records related to property (movable and immovable)</b>	Finance and lease agreements; asset register; debenture register; stock sheets; delivery notes and orders; sale agreements; purchase agreements
<b>Other Agreements</b>	Managed care and medical scheme agreements; Information Technology (IT) agreements (software and hardware); agreements concerning provision of services or materials; agreements with contractors and suppliers; clinical trial agreements
<b>Records relating to legal processes</b>	Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; settlement agreements; legal opinions/advice
<b>Insurance records</b>	Insurance policies, including professional indemnity insurance, group personal accident and group life insurance policies and related records; claims' records

**6. RECORDS AUTOMATICALLY AVAILABLE (Section 51(1)(b)(ii))**

No notice has been submitted by the practice to the Minister of Justice and Correctional Services 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 having to request access in terms of PAIA.

**7. PURPOSE OF PROCESSING PERSONAL INFORMATION (Section 51(1)(c)(i))**

The practice processes personal information of data subjects for the following purposes:

1. Conducting of a private chiropractic practice in terms of the law, including the administration of the practice and claiming payment for services rendered to patients;
2. Treatment and care of patients;
3. Employment and related matters of staff and other practitioners; and
4. Reporting to persons and bodies as required and authorised in terms of the law or by the data subjects.

**8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION (Section 51(1)(c)(ii) and (iii))**

The practice holds the categories of records and personal information in respect of the categories of data subjects specified below. The potential recipients of the personal information processed by the practice are also specified. Information and records are only disclosed as may be required in terms of the law or otherwise with the consent of the relevant data subjects.

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
<b>Directors, shareholders / partners and employees</b>	Proof of registration at and payment of fees to the AHPCSA; employment / <i>locum</i> contracts, records and policies; Insurance policies; complaints; disciplinary and court proceedings; employment equity and skills development plans and records; salary and payroll records; Leave records; tax records, including PAYE, UIF (Unemployment Insurance Fund) and SDL (Skills Development Levies) returns and related records; correspondence with the AHPCSA, insurers and other persons / bodies; medical certificates; Continuing Professional Development (CPD) events, certificates and records	Names and surnames; contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; race; gender; nationality; qualifications; AHPCSA registration numbers; registered profession; category of registration; employment history and information; position held; banking details; relevant medical history; criminal behaviour and history; correspondence; notes, reports and records created in respect of patients; tax numbers, returns and certificates; leave periods; medical certificates; remuneration; employment benefits; absenteeism information; next-of-kin details	Relevant statutory bodies such as the AHPCSA and Council for Medical Schemes (CMS); Board of Healthcare Funders of SA (BHF); Companies and Intellectual Property Commission (CIPC); medical schemes; contractors and vendors; patients; other practitioners; relevant public bodies, including government departments, e.g. SA Revenue Services (SARS); Compensation Commissioner, Road Accident Fund (RAF), UIF, Department of Labour; banks; Chiropractic Association of SA (CASA); Vetting agencies
<b>Other contractors, vendors and suppliers,</b>	Agreements with contractors, vendors and suppliers; legal opinions and advice; invoices; correspondence	Names and surnames; company / organisation names; relevant staff details; contact details e.g. address, telephone and fax numbers, e-mail addresses, website addresses; opinions; correspondence; track and performance records; price structures; financial arrangements; VAT numbers.	Banks; auditors; legal practitioners; medical schemes
<b>Insurers</b>	Insurance policies; payment of premiums; claims' records and related documents	Names and contact details e.g. addresses, telephone and fax numbers, e-mail addresses; premiums	Auditors; legal practitioners; relevant public bodies

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
<b>Public Bodies</b>	Complaints submitted to the relevant statutory bodies and related documents; correspondence; newsletters and circulars issued by these bodies and councils; payment of fees	Names; contact details e.g. addresses, telephone and fax numbers, e-mail addresses; office bearers; fee structures	Medical schemes; patients
<b>Medical Schemes / Insurance Companies</b>	Claims; remittance advices; contracts; correspondence; scheme rules; policy provisions	Contact details e.g. addresses, telephone and fax numbers, e-mail addresses	Patients; debt collectors
<b>Patients</b>	Patient records, including medical records, financial arrangements, invoices, payment records and correspondence	Names and surnames; contact details e.g. address, telephone and fax numbers, e-mail addresses; Identity numbers / dates of birth; race; gender; nationality; employers and their contact details; medical schemes, medical scheme options and dependant status; name, surname and contact details of a relative / friend; medical history, including details about injuries sustained; fees charged, payments received and payment history; diagnosis / suspected diagnosis; procedures performed; treatment administered; diagnosis and procedure codes; referral letters to other health care practitioners / hospitals containing relevant information; reports from other practitioners, including X-rays, scans, sonars, pathology results and related reports; complaints lodged; consent forms; correspondence; patient information forms; prescriptions; medical certificates	Medical schemes; medical scheme administrators; managed care organisations; insurers; employers; debt collectors; practitioners to whom patients are referred; credit lists ('blacklists'); bodies performing peer review; statutory / governmental bodies e.g. AHPCSA when responding to complaints, Compensation Commissioner, RAF; other relevant treating health care practitioners; next-of-kin



DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
<b>Practitioners referring patients to the practice or to whom patients are referred by the practice</b>	Referral notes; reports from health care practitioners involved in the care of the patients; correspondence	Names and surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses and practice code numbers of practitioners	Medical schemes; managed care organisations; governmental bodies e.g. AHPCSA when responding to complaints, Compensation Commissioner, RAF; bodies performing peer review

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**9. PLANNED TRANSBORDER FLOW OF PERSONAL INFORMATION (Section 51(1)(c)(iv))**

The practice is not planning to send any personal information about any data subject across the borders of the Republic of South Africa to third parties in foreign countries. Should this be required, data subject consent will be obtained, where possible, and transfers of such information will occur in accordance with the requirements of the law.

**10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION (Section 51(1)(c)(v))**

The practice takes the privacy of persons seriously and is therefore committed to ensuring that personal information in its possession or under its control is secure. In order to prevent unauthorised access or disclosure of information, appropriate physical, electronic and managerial procedures have been implemented to safeguard and secure the information. For example, access to information is controlled and only persons requiring the information for the treatment, care and invoicing of patients as well as the administration of the practice have access to the information. Access to electronic records is password controlled. A privacy policy has been implemented to ensure that personal information is processed and stored strictly in accordance with the law and all persons who have access to that information are aware of their responsibilities. Records are maintained in a structured filing system for as long as it is necessary in accordance with the relevant laws. A risk assessment of the organisational and technical processes and procedures is conducted on a regular basis to ensure a continuous monitoring and enhancement of security measures in the practice. Practitioners, other staff and contractors are required to adhere to the strict policies and processes implemented by the practice and are subject to sanctions for any security breach. All security breaches are taken seriously and are addressed in accordance with the law.

**11. PROCEDURE TO OBTAIN ACCESS TO THE RECORDS OR INFORMATION (Section 51(1)(b)(iv))**

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 above records or information, is required to complete a request form, which is attached to this Manual as Annexure A, and pay the fees specified in PAIA, attached hereto as Annexure B. The request form is also available from:

- The Information Officer of the practice at the contact details stipulated above; and
- The Information Regulator at the contact details stipulated above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must identify the right he/she is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made to the satisfaction of the Information Officer. Access to the requested records or information or parts of the records or information may be refused in terms of the law. Requesters will be advised of the outcome of their requests.

**12. PRESCRIBED FEES (Section 51(1)(b)(iv))**

The fees for requesting and accessing information and records held by the practice are prescribed in terms of PAIA. A requester (other than a personal requester) is required to pay the prescribed fee of R50 before a request will be processed. The fees payable, which may be amended from time to time in accordance with notices published in the Government Gazette, are attached hereto as Annexure B. Details of the fees payable and any change to such fees may be obtained from the Information Officer. The fees are also available on the website of the Information Regulator. A requester may also be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

**13. MANUAL AVAILABILITY (Section 51(3))**

A copy of this Manual is available for inspection, free of charge, at the practice and on its website. A copy of the Manual may also be requested from the Information Officer against payment of the appropriate fee, which may be obtained from the Information Officer.

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Signature of the Head of the Practice / Information Officer

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Date

Annexure A:

Please find the form on:

[https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)

Annexure B:

Please find information on:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>

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