

ACCESS TO INFORMATION MANUAL (“MANUAL”)

**COMPILED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 of 2002**

THIS MANUAL APPLIES TO INFORMATION HELD BY:

WHATSUPDOCTOR PROPRIETARY LIMITED

(registration number: 2010/008634107)

1	INTRODUCTION	3
2	CONTACT DETAILS	3
3	AVAILABILITY OF THIS MANUAL	4
4	GUIDE ON HOW TO USE PAIA WHEN REQUESTING INFORMATION	4
5	INFORMATION AUTOMATICALLY AVAILABLE	5
6	HOW TO REQUEST ACCESS TO RECORDS NOT AUTOMATICALLY AVAILABLE	5
7	GROUNDINGS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS	6
8	RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION	7
9	ACCESS TO HEALTH RECORDS OR OTHER RECORDS	8
10	RECORDS HELD BY THE BUSINESS	9
11	CATEGORIES OF DATA SUBJECTS, RELATED RECORDS AND RECIPIENTS OF PERSONAL INFORMATION	11
12	PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION	12
13	PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO	12
14	PRESCRIBED FEES	13
	ANNEXURE A:	15
	ANNEXURE B:	19

1 INTRODUCTION

- 1.1 This Manual is has been compiled in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000, as amended (“**PAIA**”), as read with section 17 of the Protection of Personal Information Act, 4 of 2013, as amended.
- 1.2 Section 51 of PAIA requires that all Private Bodies prepare and make available a manual, to the public, regarding the procedure which the public must follow when submitting a request to access the private bodies’ records.
- 1.3 **WhatsUpDoctor Proprietary Limited** (registration number: 2010/008634107), hereinafter referred to as the “**Business**”, is a defined as Private Body in terms of PAIA.
- 1.4 This manual serves to inform members of the public of the categories of records and information held by the Business. Access to such records and information is not automatic, and any person seeking to request access must do so by completing the appropriate form attached to this Manual. The request is evaluated before the information is disclosed, subject to lawful grounds of refusal as listed in PAIA.

2 CONTACT DETAILS

2.1 Details of the Business

- 2.1.1 Business Name: **WhatsUpDoctor Proprietary Limited**
- 2.1.2 Registered address Shop 22, Pick n Pay hyper Fearie glen, Atterbury road, Pretoria, 0081
- 2.1.3 Postal Address: 13 Bulbul road, Kameelfontein, 1001
- 2.1.4 Head / CEO: Dr Anton Hendrik Prinsloo
- 2.1.5 Website: www.whatsupdoctor.co.za

2.2 Details of the Information Officer

- 2.2.1 Full Name: Dr Anton Hendrik Prinsloo
- 2.2.2 Designation in Business: CEO
- 2.2.3 Telephone Number: 012 004 0661
- 2.2.4 E-mail Address: info@whatsupdoctor.co.za

3 AVAILABILITY OF THIS MANUAL

3.1 A copy of this manual will be made available –

3.1.1 at the offices of the Business;

3.1.2 on written request from our Information Officer;

3.1.3 on the Business' website;

3.1.4 from the South African Human Rights Commission; and

3.1.5 from the Information Regulator.

3.2 This Manual will be updated by the Business from time to time, as and when required.

4 GUIDE ON HOW TO USE PAIA WHEN REQUESTING INFORMATION

4.1 In terms of section 10 of PAIA, the Human Rights Commission is required to publish, in each official language, a Guide on how to use PAIA.

4.2 The guide is available from the South African Human Rights Commission and contains information relating to –

4.2.1 the purpose of PAIA;

4.2.2 the manner, form and costs of a request for access to information held by a body;

4.2.3 legal remedies when access to information is denied;

4.2.4 when access to information may be denied; and

4.2.5 the contact details of Information Officers in the national, provincial and local government.

4.3 Please direct any queries with respect to the section 10 to –

The Information Regulator

The Research and Documentation Department

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg,
2001

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 010 023 5200

Email: complaints.IR@justice.gov.za – Complaints

inforeg@justice.gov.za – General Enquiries

Website: www.justice.gov.za/inforeg/

5 INFORMATION AUTOMATICALLY AVAILABLE

5.1 The following information held by the Business, as prescribed by section 51(1)(c) of PAIA, is made available automatically, without the need for formal, written request.

5.2 Automatically available information includes –

5.2.1 Media releases;

5.2.2 Price lists;

5.2.3 Terms and conditions forms; and

5.2.4 Documents provided on the Business's website.

6 HOW TO REQUEST ACCESS TO RECORDS NOT AUTOMATICALLY AVAILABLE

6.1 In terms of section 51(1)(e), PAIA directs that a person seeking to request information or records from the Business ("**Requester**") may be provided with access to such information or record, provided that the purpose thereof relates to the exercise or protection of the Requesters Rights. A Public Body will only be entitled to request information from the Business if they are acting on behalf of the interest of the public.

6.2 A request for access to records held by the Business must be made in writing on the request form attached to this Manual as **Annexure A ("Request Form")**, and submitted to the Information Officer.

6.3 When making such a request, the Requester is directed to take note of the following –

6.3.1 the request must provide sufficient detail on the Request Form to enable the Information Officer to clearly identify the record, as well as the identity of the Requester;

6.3.2 the Requester must identify the right that is sought to be exercised or protected by virtue of their request, and must provide an explanation as to why the requested record is required for the protection or exercise of such right

- 6.3.3 if the request is made on behalf of another person, the Requester must submit proof, to the satisfaction of the Information Officer, of the capacity in which the Requester is making the request. The Information Officer is therefore entitled to request such proof as he deems fit, including the identification information or contact details of the person, to verify that they have given their permission for such information to be requested on their behalf;
- 6.3.4 the request must indicate the form of access sought or required (e.g. hard copy, certified copy, original document, electronic copy etc), and should specify the details required for the information to be provided to the Requester (e.g. the Requester's postal address, email address, etc);
- 6.3.5 if the requested record does not relate solely to the Requester, and contains the protected information of other persons, then the Requester will only be entitled to access and receive the relevant sections of such records insofar as it pertains to them;
- 6.3.6 fees may be payable as prescribed by law, and as indicated in this Manual and Annexure B attached hereto; and
- 6.3.7 Once the Requester has submitted the Request Form to the Information Officer, an answer must be provided within 30 days of the request. If the request has been refused, the Information Officer must provide the reasons for such refusal. If the Requester is not satisfied with such reasons, they may approach the courts within 30 days of receipt of the answer.

7 GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS

- 7.1 Part 3, Chapter 4 of PAIA sets out instances when a request for information must be refused. These grounds for the refusal of access to information and/or records include –
- 7.1.1 the protection of a third party's right to privacy when such release of information would amount to the unreasonable and/or unlawful disclosure of personal information of that person, including the personal information of a deceased individual;
- 7.1.2 mandatory protection of any commercial information of a third party, including but not limited to any trade secrets, commercial and/or intellectual property where disclosure would cause harm to the commercial or financial interests of that third party;

- 7.1.3 any confidential information which is protected by an agreement between the parties;
- 7.1.4 mandatory protection and information that would be considered privileged in terms of any legal and/or medical proceedings;
- 7.1.5 if disclosure of information or a record could reasonably be expected to endanger the life/physical safety, privacy and identity of an individual;
- 7.1.6 any intellectual, commercial and/or related documentation relating to the business activities of the Hospitals;
- 7.1.7 any research information being carried out/to be carried out by/on behalf of a third party where such disclosure would likely expose the third party, a person carrying out the research, or the subject matter of the research, to serious disadvantage; and
- 7.1.8 any other reason that is allowed in any applicable law.

8 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- 8.1 In terms of section 51(1)(d), it must be noted that the Business holds information that may be made available in accordance with the following legislation, subject to conditions set out therein. it must be noted that laws and regulations are often amended from time to time, and that this list should not be considered exhaustive –
 - 8.1.1 Business legislation (together with all regulations issued in terms of such legislation), including: 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; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Disease Act 130 of 1993; Occupational Health and Safety Act of 85 of 1993; 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; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Long-term Insurance Act 52 of 1998; Protection of Personal Information Act 4 of 2013.
 - 8.1.2 Health legislation (together with all regulations issued in terms of such legislation), including: the National Health Act 61 of 2003; Medical Schemes Act 121 of 1998; Medicines and Related Substances Act 101 of 1965; 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; Health Professions Act 56 of 1974.

9 ACCESS TO HEALTH RECORDS OR OTHER RECORDS

- 9.1 Section 61 of PAIA prescribes the access of health and other records held by the Business that does not fall under the ambit of a request made in terms of section 51 above. in these circumstances –
- 9.1.1 information held by a medical practitioner must be obtained directly from that Practitioner. No medical service provider is entitled to release information held by another party, or information that is protected by a medical practitioner /patient relationship;
- 9.1.2 the Requester of such information must stipulate in their request the full details of the health information is required;
- 9.1.3 the Information Officer, in terms of section 50 of PAIA, may only grant a request for access to information provided by a medical practitioner regarding the physical or mental health of the Requester themselves, or to a person authorised to make the request on behalf of the person concerned (“**Relevant Person**”);
- 9.1.4 the Information Officer may refuse access to the information and/or records requested, if they are of the opinion that such disclosure would cause serious harm to the Requester’s physical and/ or mental health;
- 9.1.5 before the Information Officer allows, grants or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to section 61(2) had been nominated by the Relevant Person;
- 9.1.6 where the Relevant Person is –
- 9.1.6.1 under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in Section 61(2); and/or
- 9.1.6.2 incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination;
- 9.1.7 if after the information Officer has given access to the medical practitioner, and the medical practitioner is of the opinion that the disclosure of the information and/or record to the relevant person, would likely cause serious harm to his or her physical and/or mental health, or wellbeing, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester, that adequate provision has been made for such counselling or arrangement as are reasonably practicable before, during or after the disclosure of

the information and/or record limit, alleviate or avoid such harm to the relevant person;

9.1.8 before access to the information and/or record is so given to the Requester, the person responsible for such counselling or arrangements must be given access to the information and/or record; and

9.1.9 the Information Officer may also refuse access to the Information and/or records in terms of any other law.

10 RECORDS HELD BY THE BUSINESS

The Business holds various types of information, which have been consolidated into the categories listed below. However, the listing of any information on record contained in this list does not imply that such information or record will be disclosed to a Requester. All requests will be dealt with as laid out in this Manual.

10.1 Internal records relating to the business of the Business

10.1.1 This includes the founding and/or incorporation documents of the Business, minutes, policies; annual reports; financial records; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records.

10.2 Personnel records

10.2.1 This includes records of all employees, whether temporary/fixed term/part-time/permanent, as well as locums, associates, contractors, management and executives. These records will contain all the information necessarily held for the functioning of the Business, and includes personal files, records of employees provided by third parties concerning staff; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related correspondence.

10.3 Client/patient records

10.3.1 This includes the details of information necessarily held by the Business when engaging with various patients and clients, and 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.

10.4 Supplier and service provider records,

10.4.1 This includes the details of information necessarily held by the Business when engaging with suppliers, and includes 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.

10.5 Technical records,

10.5.1 This includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professional council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

10.6 Third party information,

10.6.1 This includes information held by the Business 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.

10.7 Environment and market information,

10.7.1 This include information purchased by the Business, information which is publicly available, and/or commissioned information which pertains to the specific sector and market of the Business's business, including factors that affect the business, professional and healthcare environment.

11 CATEGORIES OF DATA SUBJECTS, RELATED RECORDS AND RECIPIENTS OF PERSONAL INFORMATION

11.1 The Business holds the categories of records and personal information in respect of the categories of data subjects specified below. This list is not exhaustive, and the potential recipients of the personal information processed by the Business are also specified. Information and records are only disclosed as may be necessary in the circumstances and authorised in terms of the law or otherwise with the consent of the relevant data subjects.

Data Subject	Categories of Records	Categories of Personal Information	Potential Recipients of The Personal Information
Partners, directors, shareholders and employees	Names and surnames; Contact details e.g. address, telephone and e-mail addresses; identity numbers / dates of birth; race; gender; nationality; qualifications; statutory council registration numbers; registered profession; category of registration; employment history and information; position held and job description; banking details; relevant medical history; criminal behaviour; disciplinary conduct-related information; correspondence; records created in the performance of their duties; tax numbers and related tax information; leave records; remuneration; employment benefits; absenteeism information; next-of-kin details	Names and surnames; Contact details e.g. address, telephone and e-mail addresses; identity numbers / dates of birth; race; gender; nationality; qualifications; statutory council registration numbers; registered profession; category of registration; employment history and information; position held and job description; banking details; relevant medical history; criminal behaviour; disciplinary conduct-related information; correspondence; records created in the performance of their duties; tax numbers and related tax information; leave records; remuneration; employment benefits; absenteeism information; next-of-kin details	SARS; relevant statutory and other public bodies; Board of Healthcare Funders of SA ("BHF"); Companies and Intellectual Property Commission ("CIPC"); funders; contractors and suppliers; patients; bodies performing peer review; banks; professional societies; vetting agencies hospitals; members of the public; auditors; executors of estates; purchaser of Business
Other contractors, vendors and suppliers, e. g. Hardware and software vendors, switching insurers, auditors, legal companies, auditors, leg counsel, consultants, debt collectors Patients Referrals	Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt collection agreements; Legal opinions and advice; Correspondence	Names and surnames; organisation names and detail; relevant staff / office bearer details; contact details e.g. addresses, telephone numbers, e-mail addresses, website addresses; opinions; correspondence; track records; price structures; financial arrangements	Banks; auditors; legal advisers; funders; purchaser of Business

Public Bodies (e.g. Department of Health, RAF, Compensation Commissioner, UIF) and Statutory Councils (e.g. HPCSA, CMS)	Complaints submitted to the relevant statutory councils; Correspondence; Newsletters and circulars issued by these bodies and councils	Names; contact details e.g. addresses, telephone numbers, e-mail addresses; office bearers; fee structures; correspondence	Funders; patients; purchaser of Business
Insurers	Insurance policies; payment of premiums; claims' records and related documents	Names and contact details e.g. addresses, telephone numbers, email addresses; premiums; correspondence	Auditor; legal advisers; relevant public bodies; purchaser of Business
Medical Schemes	Claims; Remittance advices; Contracts correspondence; rules; policy provisions	Relevant staff / office bearer details; contact details e.g. address, telephone numbers, email addresses; correspondence	Patients; debt collectors; purchaser of Business

12 PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Business does not have any planned trans-border flow of personal information.

13 PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

13.1 The Business processes Personal Information for various purposes, which include but are not limited to the following –

13.1.1 to conduct and manage the Business in accordance with the law, including the administration of the Business and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities;

13.1.2 for treatment and care of patients, including referrals to other practitioners and reporting to referring practitioners;

13.1.3 for communication purposes;

13.1.4 for the maintenance of Business records and patients' medical records;

13.1.5 for employment and related matters of employees and other practitioners;

- 13.1.6 for reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
- 13.1.7 for historical, statistical and research purposes;
- 13.1.8 for clinical trials;
- 13.1.9 for proof;
- 13.1.10 for enforcement of the Business's rights; and / or
- 13.1.11 for any other lawful purpose related to the activities of a private Business.

14 **PRESCRIBED FEES**

- 14.1 The Act provides for two types of fees –
 - 14.1.1 a request fee, which will be a standard fee, and
 - 14.1.2 an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable.
- 14.2 When making a request, the following is applicable –
 - 14.2.1 Once a request is made, the information officer will send a receive notice to the requester to pay the prescribed fee of R50.00;
 - 14.2.2 This prescribed fee must be paid before the request will be processed;
 - 14.2.3 Payment of this fee is to be made as directed by the Information Officer;
 - 14.2.4 If the requester is seeking access to a record containing personal information about that requester, the prescribed fee of R50.00 may not be required;
 - 14.2.5 The information officer will then make a decision in respect of the request and the requester will be notified of the decision on the required form;
 - 14.2.6 Should the request be refused, the requester may lodge an application at court against the tender or payment of the requested fee as will be advised in the Notice (in terms of section 54(3)(b) of the Act);
 - 14.2.7 If the request is granted then a further access fee is payable for the search, reproduction and preparation of the record in a particular format as well as for any

time, that has exceeded the prescribed hours, to search and in order prepare the record for disclosure (in terms of sec 54(6)) of the Act); and

14.2.8 The latest fee structure is attached to this Manual as Annexure B.

Signed by Anton Hendrik Prinsloo on **17 December 2022**



Signature: Information Officer

ANNEXURE A:

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head: _____

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

(a) 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.

(b) 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. 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: _____

*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:			
	copy of record		inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images		copy of the images
			transcription of the images
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record		printed copy of information derived from the record
			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? Postage is payable.		YES	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: _____

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 _____ on this _____ day of _____ 20____

SIGNATURE OF REQUESTER

/ PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B:

FEES IN RESPECT OF RECORDS REQUESTED FROM PRIVATE BODIES AS PROMULGATED UNDER THE PAIA REGULATIONS

1. 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.
2. 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	R1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	R7.50
(ii) compact disc	R70.00
(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	R60
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R20
(ii) For a copy of an audio record	R30
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.