

PAIA Manual

Prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to

Dr. Andre De Villiers Orthodontist

Practice Number: 6401015

("the Practice")

1. USEFUL TERMS EXPLAINED IN AN EASILY COMPREHENSIBLE FORM AND MANNER

- **Access Fee** - This access fee is paid by the requester to the body from which you are requesting the information, to cover the costs of finding and copying the records you require. What can be charged is prescribed by regulation.
- **Administrator** - Is an organ of state or any natural or juristic person taking administrative action.
- **Authorised Person** - The authorised person is the person who is making a request on behalf of someone else, and who has been properly authorised in writing to do so.
- **Automatically Available Records** - These are records that a public or private body will provide to a requester without them needing to file a request. These records are listed in a 'voluntary disclosure notice', which should be made public.
- **Days** - Unless specified as a 'working day' in a section in PAIA, a day is considered to be a calendar day. To calculate time period, the day on which the request is received is excluded, and every day thereafter is included including weekends and public holidays until the final day is counted. If the final day for responding to a request falls on a Sunday or public holiday, the next day is counted as the final day.
- **Deemed Refusal** - If no response is received to a request within the prescribed time, this is defined as a 'deemed refusal'.
- **Form 2** - This form is prescribed by regulation and should be used to request access to information held by this practice.
- **Data Subject** - Is the person to whom personal information relates.
- **Information Officer** - The Information Officer is the person authorised to handle PAIA requests details of whom are stated in this manual.
- **Information Regulator** - The Office of the Information Regulator has been established, in terms of section 39 of POPIA, to monitor and enforce compliance with both POPIA and PAIA. In this Guide the Office of the Information Regulator or the information Regulator is referred to as the Regulator.
- **The Operator** - A person who processes personal information on behalf of the Practice. For example, an IT vendor.
- **Record** - A record is any recorded information regardless of the form, including, for example, written documents, audio, digital and video materials. A record requested from a public or private body refers to a record that is in that body's possession regardless of whether that body created the record.

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1. Check the categories of records held by the Practice which are available without a person having to submit a formal PAIA request;
- 2.2. Have a sufficient understanding of how to make a request for access to a record of the Practice, by providing a description of the subjects on which the Practice holds records and the categories of records held on each subject;
- 2.3. Know the description of the records of the Practice which are available in accordance with any other legislation;
- 2.4. Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5. Know the description of the guide on how to use PAIA, as updated by the Practice and how to obtain access to it;
- 2.6. Know that if the Practice will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. Know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. Know if the Practice has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. Know whether the Practice has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. INTRODUCTION TO THE PRACTICE

Dr. Andre De Villiers is a specialist orthodontic practice, which is conducted 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 practising at the practice are registered at the HPCSA and provide medical services within the scope and ambit of their registration, competence and training. The practitioner/s are bound by the Ethical Rules issued by the HPCSA, which include the duty to preserve patient confidentiality.

4. CONTACT DETAILS OF PRACTICE OWNER

Detail	Information
Practice Name	Dr. Andre De Villiers
Practice Number	6401015
Head of the Practice	Dr. Andre De Villiers
Information Officer	Ferdie Lochner
Physical Address	4 Annandale Road Diep River 7800
Postal Address	PO Box 30167 Tokai 7966
Telephone Number	0217124482
E-mail address	anan@mweb.co.za
Website address	www.capetownorthodontist.com

5. INFORMATION OFFICER - FOR ACCESS TO INFORMATION OF THE PRACTICE

5.1 The Act prescribes the appointment of an Information Officer where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private practice fulfils such a function to assess such a request for access to information as well as to oversee its required functions in terms of the Act.

5.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

5.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers in order to render the practice as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013.

5.4 All request for information in terms of this Act must be addressed to the Information Officer.

5.5 Contact Details of Information Officer:

Name: Ferdie Lochner

Email: popi@indevaldi.co.za

Mobile: +27 73 412 5856

6. CATEGORIES OF RECORDS HELD BY THE PRACTICE

- Records held by the Practice are generated through its activities as a dental practice, the core operations processes under both PAIA and POPIA.
- The practice generates substantive records which relate specifically to the outputs of the practice and operational records.
- Certain records of the Practice are acquired in the course of work of the Practice and in certain instances records are received from public and private bodies in accordance with PAIA and POPIA.
- The Practice reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the Practice no longer has possession of such record.
- The Practice also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.

6.1. Records held by the Practice

This clause serves as reference to the categories of information that the Practice holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Registration of practitioners working at the practice	HPCSA registration certificates, proof of payment
Employment Records	Employment contracts, relevant tax records, performance management records
Financial Records	Financial Statements, Invoices, statements, receipts, and related documents
TAX and VAT Records	Copies of tax returns and documents relating to income tax and VAT
Patient Records	Records are kept of all patients consulted at the practice, including medical history, treatment provided, subcontractors used, referral letters, liaison with medical schemes and personal information
Health and Safety Records	All risks, health and safety protocols
Records Related to property	Lease Agreement, stock sheets, purchase agreements
Insurance Records	Insurances Policies, professional indemnity, and related records

Subject	Category
Personnel Documents and Records	Personnel records, employment contracts, leave records, medical aid records, payroll, grievance procedure training manuals
Procurement	Contractor, client and supplier agreements, lists of suppliers, products, services and distribution policies and procedures
Marketing	Newsletters, advertising, promotional material and website

- Note: that the accessibility of the records may be subject to the grounds of refusal set out in this Manual. Amongst others, 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 Practice will consider access.

6.2. Categories of records of the practice which are available in accordance with any other legislation

- Where applicable to its operations, the Practice also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act.
- Legislation and applicable internal policies and procedures as listed below refer, should such interested parties be entitled to such information.
- A request to access must be done in accordance with the prescriptions of the Act and this manual.

Category of Records	Available on request
Health Professions Act 56 of 1974	X
Medical Schemes Act 131 of 1998	X
Basic Conditions of Employment Act 75 of 1997	X
Children's Act 38 of 2005	
Compensation for Occupational Injuries & Diseases Act 130 of 1993	X
Consumer protection Act 68 of 2008	X
Constitution of the Republic of South Africa 2008	X
Income Tax Act, No 58 of 1962	X
Labour Relations Act, No 66 of 1995	X
Long Term Insurance Act, No 52 of 1998	X

Category of Records	Available on request
Occupational Health & Safety Act, No 85 of 1993	X
Pension Funds Act, No 24 of 1956	X
Prescription Act, No 68 of 1969	X
Prevention of Organised Crime Act, No 121 of 1998	X
Promotion of Access to Information Act, No 2 of 2000	X
Protection of Personal Information Act, No. 4 of 2013	X
Skills Development Levies Act No. 9 of 1999	X
Short-term Insurance Act No. 53 of 1998	X
Unemployment Insurance Contributions Act 4 of 2002	X
Unemployment Insurance Act No. 30 of 1966	X
Value Added Tax Act 89 of 1991	X

- Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly.
- If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.
- It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

6.3. Categories of records that may be subject to the grounds for refusal of access to records

- The records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds listed in sections 33 to 46 and sections 62 to 70 of PAIA.
- The Practice further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources.
- Access will also be refused where requests are clearly frivolous and or vexatious.
- However, the Information Officer or Deputy Information Officer(s) of the Practice may grant a request for access to a record of the Practice, if:

- the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and
- the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

Records relating to the form of practice and related matters:

Documents related to the establishment of the practice, such as documents required in terms of the Companies Act 71 of 2008 / a partnership agreement; governance documents (e.g. practice policies); minutes of meetings; practice code number registration-related documents and other related documents.

Management records:

Documentation relevant to the management structure and the management of the practice.

Records relating to the registration of practitioners working at the practice:

Proof of registration at the HPCSA and related documents.

Employment records:

Employment contracts; conditions of employment and work place policies; all information relating to employees' tax, expense accounts, medical scheme and pension fund membership records.

Patient records:

Records are kept in respect of all patient engagements and consultations, which include diagnostic, financial, health information and other relevant personal information.

Patient management records:

Protocols, guidelines and related documentation in respect of the management of patients.

Clinical trial records:

Records related to participation in clinical trials.

Health and safety records:

Evacuation plan; information related to the Health and Safety Committee / health and safety officer; and health and safety incident reports.

Financial records:

Annual Financial Statements; auditor's reports; accounting records; bank statements; invoices, statements, receipts and related documents; VAT records; payments to the South African Revenue Services ("SARS"), other government bodies, staff and suppliers; and tax returns and related documentation.

Records related to assets:

Asset register; purchase records; financing and lease agreements; sale and purchase agreements; title deeds; mortgage bond documentation, debenture register; registers and

records kept in terms of the Medicines and Related Substances Act 101 of 1965; stock sheets; delivery notes and orders; and sale and purchase agreements.

Agreements:

Agreements (and related documentation) with contractors, consultants, suppliers and vendors, including agreements with funders and agreements related to clinical trials.

Records relating to legal processes:

Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; settlement agreements; and legal opinions/advice.

Insurance records:

Insurance policies and related records, including in respect of professional indemnity cover; and claims records.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. To conduct and manage the practice in accordance with the law, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities;
2. For treatment and care of patients, including referrals to other practitioners and reporting to referring practitioners and technicians;
3. For communication purposes;
4. For the maintenance of practice records and patients' dental records;
5. For employment and related matters of employees and other practitioners;
6. For reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
7. For historical, statistical and research purposes;
8. For clinical trials;
9. For proof;
10. For enforcement of the practice's rights; and/or
11. For any other lawful purpose related to the activities of a private practice.

8. DATA SUBJECTS, THEIR PERSONAL INFORMATION AND POTENTIAL RECIPIENTS OF THIS INFORMATION

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 necessary in the circumstances and authorised 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
Directors, shareholders and employees	Statutory records; shareholders / partnership agreement; employment / appointment records; statutory council registration records; salary and payment records; disciplinary conduct and related records; employment equity and skills development records; employment policies; leave records; tax records; medical certificates; Continuing Professional Development (“CPD”) and training records; correspondence	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	Contractors and suppliers; patients; SARS; relevant statutory and other public bodies; Board of Healthcare Funders of SA (“BHF”); Companies and Intellectual Property Commission (“CIPC”); bodies performing peer review; banks; professional societies; vetting agencies; hospitals; auditors; executors of estates;
Patients	Patient records, including medical records, financial	Names and surnames; contact details e.g.	Employers; debt collectors; treating

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
	arrangements, invoices, payment records and correspondence	addresses, telephone numbers, e-mail addresses; identity numbers / dates of birth; race; gender; nationality; employers and their contact details; medical scheme-related information; names, surnames and contact details of next-of-kin; medical history, including details about injuries sustained; billing and payment-related information; procedures performed; diagnosis and procedure codes; special investigation images and reports (e.g. X-rays, sonars, laboratory results); referral notes; complaints and compliments; correspondence; patient forms	practitioners; credit bureaus; bodies performing peer review; relevant statutory and public bodies; hospitals; next-of-kin; executors of estates
Practitioners referring patients to the practice	Referral notes; correspondence	Names and surnames; contact details e.g. addresses, telephone numbers, e-mail addresses and practice	Relevant statutory and public bodies; hospitals; bodies performing peer review

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
		code numbers of practitioners	
Other contractors, vendors and suppliers	Agreements with contractors, vendors and suppliers; non-disclosure agreements; debt collection agreements; legal opinions and advice; invoices; 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
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
Public and statutory bodies (e.g. HPCSA)	Complaints submitted to the relevant statutory bodies and related documents; correspondence; newsletters and circulars issued by these bodies; statutory information, including legislation; payment records	Names; contact details e.g. addresses, telephone numbers, e-mail addresses; office bearers; fee structures; correspondence	Patients
Medical schemes and other funders	Claims; remittance advices; contracts;	Relevant staff / office bearer details; contact details e.g. address,	Patients; debt collectors

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
	correspondence; rules; policy provisions	telephone numbers, email addresses; correspondence	
Hospitals	Correspondence	Names; contact details e.g. address, telephone numbers, e-mail address and practice code number	Patients

9. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

- The practice stores electronic information, including personal information of data subjects, in the 'cloud', the servers of which may be located outside of the borders of the Republic of South Africa ("RSA").
- Due care is taken in the selection of appropriate cloud service providers to ensure compliance with the Protection of Personal Information Act ("POPIA") and protect the privacy of data subjects.
- The practice has professional indemnity cover with a provider outside of the borders of the Republic of South Africa and may have to report matters to the indemnity provider when it may be necessary to send personal information about any data subject in a foreign country as part of the report of the Practice. Should this be required, transfers of such information will occur in accordance with the requirements of the law.

10. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- The practice is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best practices.
- The measures it adopts to ensure the security of personal information, includes technical and organisational measures and internal policies to prevent unauthorised access, loss or use of personal information, for example, the physical securing of the offices where

information is held; locking of cabinets with physical records; password control to access electronic records; server access control; and off-site data back-ups.

- In addition, only those practitioners and employees that require access to the information to treat patients and discharge their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the practice requiring them to implement appropriate security measures and to maintain the confidentiality of the information.
- 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 RECORDS OR INFORMATION

- 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 Form 2, and pay the prescribed fees as referenced below.
- The request form is also available from
 - the Information Officer of the practice at the contact details stipulated above; and
 - the Information Regulator.
- 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. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OR INFORMATION

- The fees for requesting and accessing information and records held by the practice are prescribed in terms of PAIA. 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 A.
- 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 be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.

13. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

Requesters have the right to receive a response in the form of an affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.

Requesters also have the right to receive a response in the form of an affirmation where requested records do not exist.

14. REMEDIES AVAILABLE WHEN THE PRACTICE REFUSES A REQUEST

14.1. Internal Remedies

The Practice does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and if the requestor is not satisfied with the answer supplied by the Information Officer.

14.2. External Remedies

1. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, upon notification of the decision, may apply to the Information Regulator for relief in accordance with the guidelines provided by that institution.
2. A third party dissatisfied with the Information Officer's decision to grant a request for information, upon notification, apply to the Information Regulator for relief in accordance with the guidelines provided by that institution.

15. AVAILABILITY OF THE MANUAL

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.

ANNEXURES**Annexure A: Fees**

Description	Fee
The request fee payable by every requester	R140.00
Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof
Printed copy of A4-size page	R2.00 per page or part thereof
For a copy in a computer-readable form on:	
i. Flash drive (to be provided by requestor)	R40.00
ii. Compact disc	
– If provided by requestor	R40.00
– If provided to the requestor	R60.00
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider
Copy of visual images	
Transcription of an audio record, per A4-size page	R24.00
Copy of an audio record on:	
i. Flash drive (to be provided by requestor)	R40.00
ii. Compact disc	
– If provided by requestor	R40.00
– If provided to the requestor	R60.00
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of R145.00	R435.00
Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
Postage, e-mail or any other electronic transfer	Actual expense, if any

Annexure B: Form 2 – Request for Access to Record

Available at:

<chrome-extension://efaidnbmnnnibpcajpcgicfindmkaj/https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

Issued by:

Ferdie Lochner, Information Officer

On behalf of Dr. Andre De Villiers

Date: 06 June 2025