



**MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

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1. INTRODUCTION TO THE PRACTICE

This is the private radiology practice of **Mweli, Kaplan and Sulman Incorporated trading as Back to Life**. The practice 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). Practitioners who are registered at the HPCSA provide radiology services within the scope and ambit of their competence and training at the practice. The practitioners are bound by the Ethical Rules issued by the HPCSA, most notably the duty to preserve patient confidentiality, unless legislation of a court order provides otherwise.



2. CONTACT DETAILS

Designated Head of Back to Life: Dr Louis Sulman

Registration Number: 2009/006766/21

Practice number: 0352667

Postal Address of Back to Life: P.O Box 61 Parklands 2121

Physical address of Back to Life: The Netcare Rosebank Hospital - Ground floor 14 Sturdee Avenue Rosebank

Telephone number of Back to Life: 011 277-3300

Fax number of Back to Life: 011 788-6138

E-Mail address of Back to Life: info@radimaging.co.za

Website address of Back to Life: www.back-to-life.co.za

VAT Number: 4610254437

Person designated to act on behalf of the Designated head: Germaine Lavery

Contact details of person designated to act: germaine.lavery@radimaging.co.za

3. THE GUIDE OF THE SA HUMAN RIGHTS COMMISSION.

The South African Human Rights Commission (“SAHRC”) compiled a guide, in terms of Section 10 of the Promotion of Access to information Act (Act 2 of 2000) (“PAIA”), to assist persons wishing to exercise their rights in terms of this Act. This guide is available in all the official languages and contains, amongst others, the following information:

- The purpose of PAIA;
- The manner, forms and costs of a request for access to information held by a body;
- Legal remedies when access to information may be denied; and
- The contact details of Information Officers in the national, provincial and local government

Any person wishing to obtain the Guide may either access it through the website of the SAHRC at <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf> or should contact the Information regulator at:

Address: 33 Hoofd Street
Forum III, 3rd Floor Braampark
Braamfontein
Johannesburg

Telephone: +27(0)827464173

E-mail address: infoereg@justice.gov.za



4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

CATEGORIES OF RECORDS	DOCUMENT TYPE
	Documents pertaining to an incorporated company as required by the Companies Act 71 of 2008, 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, Shareholder's agreements / Association agreement.
Records relating to the professional status of persons working in the practice	Certificates and cards proving professional registration at the HPCSA and other relevant statutory Boards and Councils; Proof of payment of annual and registration fees; Certificates of good standing
Records related to assets, financial records and records held in terms of the Medicines and Scheduled Substances Act (Medicines ACT)	Register of Mortgages, Debentures and Fixed Assets; Annual Financial Statements, including Director's reports; Auditor's reports, Books of Account, including journals, ledgers, supporting schedules to and ancillary books of account; Accounting records; Bank statements; Stock sheets; Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange; Registers to be kept in terms of the Medicine Act.
Patient records	Records are kept in respect of all patients
Employment records	Employment contracts; Time worked by each employee: Attendance register; Employment equity plan and reports; Salary and wage register; Collective agreements; Disciplinary proceedings, Arbitration awards; CCMA cases, Skills Development Plan and training records; Staff, including former staff, records; Expense accounts, IRP5's and tax information pertaining to employees; Employee contracts; Performance management records; incentive schemes; Study assistance schemes; Conditions of employment and policies (including but not limited to leave policies, motor vehicle scheme, telephone policy, etc.) Group personal accident and group life insurance policies and related records; Locum agreements and records.
Provident and retirement fund records	Provident Fund Rules; Account records; Minutes of Meetings of trustees and members
Health and safety records	Evacuation plan; information related to Health and Safety Committee / Officer.
Records related to property (movable and immovable)	Title Deeds; Leases; Building plans; Mortgage Bonds or servitudes to fixed property; Asset register; Finance and Lease Agreements, Medicines and scheduled substances held in terms of the Medicines Act; Radiation control license.
Records relating to intellectual property	Licence agreements; Non-disclosure agreements; Research and development agreements; Consulting agreements, Use agreements; Joint venture agreements; Strategic Plans
Agreements	Manages care and medical scheme agreements; Agreements with hospitals; IT agreements (software and hardware); Agreements concerning provision of services of materials; Agreements with contractors and suppliers; Sale agreements; Purchase agreements; Lease agreements.
Tax and VAT records	Copies of all Tax Returns and documents relating to income Tax and VAT, including payments made.
Records relating to legal processes	Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation, Settlement agreements.
Insurance records	Insurance policies; Professional indemnity insurance, Claim's records; Details of insurance coverage, limits and insurers.



5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

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

1. Basic Conditions of Employment Act 75 of 1997;
2. Children's Act 38 of 2005;
3. Companies Act 71 of 2008;
4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
5. Consumer Protection Act 68 of 2008
6. Disaster Management Act 57 of 2002
7. Electronic Communications and Transactions Act 25 of 2002
8. Employment Equity Act 55 of 1998;
9. Hazardous Substances Act 15 of 1973
10. Health Professions Act 56 of 1974;
11. Income Tax Act 58 of 1962;
12. Labour Relations Act 66 of 1995;
13. Medical Schemes Act 131 of 1998;
14. Medicines and Related Substances Act 101 of 1965;
15. Mental Health Care Act 17 of 2002
16. National Health Act 61 of 2003;
17. Occupational Health and Safety Act 85 of 1993;
18. Promotion of Access to Information Act 2 of 2000;
19. Protection of Personal Information Act 4 of 2013;
20. Regulations governing private health establishments Provincial Notice 187 of 2001 of 22 June 2001
21. Road Accident Fund Act 56 of 1996;
22. Skills Development Levies Act 9 of 1999;
23. Skills Development Act 97 of 1998;
24. Unemployment Contributions Act 4 of 2002;
25. Unemployment Insurance Act 63 of 2001; and
26. Value Added Tax Act 89 of 1991.



6. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development 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. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Policy of the practice

7. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

The practice of processing personal information of data subjects 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;
3. For communication purposes;
4. For the maintenance of practice records and patient's medical records;
5. For employment and related matters of employees and other practitioners;
6. For reporting to persons and bodies as required and authorized 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 radiology



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

The practice holds the types 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, as may be appropriate and relevant, in terms of the law or otherwise with the consent of the relevant data subject, are also specified.

DATA SUBJECTS	CATEGORIES OF RECORDS	CATEGORIES OF PERSONAL INFORMATION	POTENTIAL RECIPIENTS OF THE PERSONAL INFORMATION
Directors, shareholders and employees	Proof of registration at and payment of fees to the HPCSA and other statutory councils; Employment contracts and records; Certificates of good standing, Indemnity and other insurance policies; Complaints, disciplinary and court proceedings, employment equity records; Provident and retirement fund records; medical scheme membership; Membership of professional societies; Salary and payroll records; Tax certificates; PAYE, UIF and SDL returns and related records; Correspondence with the HPCSA, insurers and other persons / bodies; Leave records, including study leave and sick leave; Medical certificates; Continuing Professional Development (CPD) / Training events. Certificates and records; Locum contracts; Skills development plans and records; Performance management 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, Statutory council registration numbers, Practice code number; Registered profession: Category of registration; Specialist registration, Occupation, Employment records, Position held, Banking details; Employment history; Relevant medical history; Criminal behaviour and history; Correspondence; Notes and reports created in respect of patients; Tax number, returns and certificates; Leave records; Medical certificates; Salary; Employment benefits; Next – of-kin; Performance assessments;	SA Revenue Services (SARS); Relevant statutory bodies such as the HPCSA; Board of Healthcare Funders of SA (BHF); Companies and intellectual Property Commission; Medical schemes; Contractors and vendors; patients; Council for Medical Schemes (CMS); Relevant public bodies e.g., Compensation Commissioner, Road Accident funds, Unemployment Insurance fund; Banks; Professional societies; Relevant public bodies; including government departments e.g., Compensation Commissioner, Road Accident fund (RAF), Unemployment Insurance Fund (UIF), Department of Labour, Radiation Control; Vetting agencies e.g., of Qualifications; SAPS for police clearance certificates, Trade unions; Hospitals.



<p>Other contractors, vendors and suppliers, e.g., Hardware and software vendors, switching companies, insurers, auditors, legal counsel, consultants, debt collectors</p>	<p>Agreements with contractors, vendors and suppliers; Non-Disclosure Agreements; Debt collection agreements; Legal opinions and advice; Correspondence.</p>	<p>Names and surnames; Company and employer names; Contact details e.g., address, telephone and fax numbers, e-mail addresses, website; Opinions; Correspondence; Track records; Pricing; Quotes; payment records.</p>	<p>Banks</p>
<p>Patients</p>	<p>Patient records; Invoices; Payment records; Correspondence.</p>	<p>Names and Surnames; Contact details e.g. address, telephone and fax numbers, e-mail addresses; identity numbers / dates of birth; Race; Gender; Nationality; Employer, Employer contact details; Medical scheme, medical scheme option and dependant status; Name, surname and contact details of a relative / friend; Medical history; Payment history; Diagnosis and procedures codes; Procedures performed; referral letters; X-rays, scans, sonars and related reports; Invoices; Complaints, Correspondence; Bank account details; Patient information forms; Consent forms.</p>	<p>Medical schemes; Managed care organisations; Insurers; employers; Debt collectors; Referring practitioners; Credit lists (Blacklists); Bodies performing peer review; Statutory / Governmental bodies e.g., HPCSA when responding to complaints, Compensation Commissioner; RAF; Hospitals; Treating medical and other relevant health care practitioners Next-of-kin.</p>
<p>Referring doctors</p>	<p>Referral notes; Correspondence.</p>	<p>Names and Surnames; Contact details e.g., address, telephone and fax numbers, e-mail addresses; Practice Code numbers; Referral letters.</p>	<p>Medical schemes; Managed care organisations; Governmental bodies e.g., HPCSA when responding to complaints, Compensation Commissioner, RAF; Hospitals; Bodies performing peer review.</p>
<p>Hospitals</p>	<p>Correspondence.</p>	<p>Names; Contact details e.g., telephone and fax numbers, e-mail addresses; Office bearers.</p>	<p>Medical schemes; Statutory / Governmental bodies e.g., HPCSA when responding to complaints.</p>



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 councils.	Names; Contact details e.g., address, telephone and fax numbers, e-mail addresses; Office bearers.	Medical schemes; Patients.
Professional Societies e.g., RSSA, SAMA	Constitutions, Notices, Correspondence; Payment of fees.	Names; Contact details e.g., address, telephone and fax numbers, e-mail addresses, Office Bearers,	
Insurers	Insurance policies	Contact details e.g., address, telephone and fax numbers, e-mail addresses.	HPCSA
Medical Schemes	Claims; Remittance advices, Correspondence	Contact details e.g., address, telephone and fax numbers, e-mail addresses.	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 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 policy of data subjects.

The practice is not planning to send any personal information about any data subjects across the borders 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 will be 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 unauthorized processing and access as well as loss, damage or unauthorized 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 measure it adopts to ensure the security of personal information, includes technical and organizational measures and internal policies to prevent unauthorized access, loss or use of personal information, for example, the physical securing of 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 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 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

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 or 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 B**, and pay the prescribed fees as referenced below in **Annexure A**. The request form is also available from the:

-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. FEES PAYABLE TO OBTAIN THE REQUESTED RECORDS OF 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, attached hereto as **Annexure A**. Details of 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 requestor may be required to pay the fees prescribed for searching and compiling the information, which has been requested, including copying charges.



13. AVAILABILITY OF THIS 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.

Signature of Designated Head of BACK TO LIFE

_____Dr Louis Sulman_____

Name of Designated Head of BACK TO LIFE

Date of signature_____15/12/2020_____

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Annexure A: FEES

GENERAL: VALUE ADDED TAX

Public and private bodies registered under the Value Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value added tax to all fees prescribed in this Annexure.

PART I FEES IN RESPECT OF GUIDE

1. The fee for a copy of the guide as contemplated in [regulations 2 \(3\) \(b\) and 3 \(4\) \(c\)](#) is R0,60 for every photocopy of an A4 size page or part thereof.

PART II FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in [regulation 5 \(c\)](#) is R0,60 for every photocopy of an A4 size page or part thereof.

2. The fees for reproduction referred to in [regulation 7 \(1\)](#) are as follows:

- (a) For every photocopy of an A4 size page or part thereof R0,60
- (b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form R0,40
- (c) For a copy in a computer readable form on:
 - (i) stiffy disc R5,00
 - (ii) compact disc R40,00
- (d) (i) For a transcription of visual images, for an A4size page or part thereof R22,00
- (ii) For a copy of visual images R60,00
- (e) (i) For a transcription of an audio record, for an A4size page or part thereof R12,00
- (ii) For a copy of an audio record R17,00

3. The request fee payable by every requester, other than a personal requester, referred to in [regulation 7 \(2\)](#) is R35,00.

4. The access fees payable by a requester referred to in [regulation 7 \(3\)](#) are as follows:

- (1) (a) For every photocopy of an A4size page or part thereof R 0,60
- (b) For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form R0,40
- (c) For a copy in a computer readable form on:
 - (i) stiffy disc R5,00
 - (ii) compact disc R40,00
- (d) (i) For a transcription of visual images, for an A4size page or part thereof R22,00
- (ii) For a copy of visual images R60,00
- (e) (i) For a transcription of an audio record, for an A4size page or part thereof R12,00



- (ii) For a copy of an audio record R17,00
 - (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- (2) For purposes of [section 22 \(2\)](#) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable, and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to requester.

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in [regulation 9 \(2\) \(c\)](#) is R1,10 for every photocopy of an A4size page or part thereof.

2. The fees for reproduction referred to in [regulation 11 \(1\)](#) are as follows:

- (a) For every photocopy of an A4size page or part thereof R1,10
- (b) For every printed copy of an A4size 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 A4size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
- (e)
 - (i) For a transcription of an audio record, for an A4size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in [regulation 11 \(2\)](#) is R50,00.

4. The access fees payable by a requester referred to in [regulation 11 \(3\)](#) are as follows:

- (1)
 - (a) For every photocopy of an A4size page or part thereof R1,10
 - (b) For every printed copy of an A4size 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 A4size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
 - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.



- (2) For purposes of [section 54 \(2\)](#) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable, and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.



ANNEXURE B: INFORMATION AND REQUEST FORM

Form C

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: Dr Louis Sulman

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: Email address: _____

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 on this _____ day of _____ 20_____

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE