DR KATE BROWN T/A KATE BROWN CHIROPRACTIC

PAIA MANUAL

in terms of

Section 51

of

The Promotion of Access to Information Act 2 of 2000

Compiled: 25 JUNE 2023

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) of PAIA)

Practice Name: Dr Kate Brown T/A Kate Brown Chiropractic
AHPCSA Registration Number: A11540
Head of the Practice: Kate Brown
Information Officer: Kate Brown
Physical Address: 72 Old Main Road, Kloof
Postal Address: 23 Claygate, 11 Wareing Road, Pinetown
Telephone Number: 084 961 0076
E-mail address: drkatebrown7@gmail.com
Website address: www.katebrownchiropractic.com

3. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

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).

4. SCHEDULE OF RECORDS

The practice holds the following categories of records:

CATEGORIES OF RECORDS	DOCUMENT TYPE
Records relating to the form of practice and related matters	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 shareholders'/partnership agreements; Practice code numbers and related records
Records relating to the registration of	Registration certificates at the AHPCSA and related documents; Proof of payment of registration and annual fees to the AHPCSA

practitioners working at the practice	
Employment records	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; *locum* contracts and related documents and records; contracted staff lists
Financial records	Annual financial statements, including directors'/partners' reports; auditors' reports; accounting records; bank statements; invoices, statements, receipts and related documents
Tax and VAT records	Copies of tax returns and documents relating to income tax and VAT, including payments made and VAT registration
Patient records	Records are kept in respect of all patients consulted at the practice, which include their medical history, treatment and relevant financial arrangements
Health and safety records	Evacuation plan; information related to the Health and Safety Committee / Officer; health and safety incident reports
Records related to property (movable and immovable)	Finance and lease agreements; asset register; debenture register; stock sheets; delivery notes and orders; sale agreements; purchase agreements
Other Agreements	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
Records relating to legal processes	Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; settlement agreements; legal opinions/advice
Insurance records	Insurance policies, including professional indemnity insurance, group personal accident and group life insurance policies and related records; claims' records

5. RECORDS AUTOMATICALLY AVAILABLE

The information on the website of the practice is automatically available without having to request access in terms of PAIA. This PAIA manual and all the information contained herein is also available on the practice's website.

6. PURPOSE OF PROCESSING PERSONAL INFORMATION

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

1. Conducting 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 which requires proper record keeping;
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.

7. 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 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
Directors, shareholders / partners and employees	Proof of registration at and payment of fees to the AHPCSA; employment / *locum* 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
Other contractors, vendors and suppliers,	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
Insurers	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**
Public Bodies	Complaints submitted to the relevant statutory bodies and related documents; correspondence;	Names; contact details e.g. addresses, telephone and fax numbers, e-mail addresses; office bearers; fee structures	Medical schemes; patients

	newsletters and circulars issued by these bodies and councils; payment of fees		
Medical Schemes / Insurance Companies	Claims; remittance advices; contracts; correspondence; scheme rules; policy provisions	Contact details e.g. addresses, telephone and fax numbers, e-mail addresses	Patients; debt collectors
Patients	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**
Practitioners referring patients to the practice or to whom patients	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

are referred by the practice			Commissioner, RAF; bodies performing peer review

8. PLANNED TRANSBORDER FLOW OF PERSONAL INFORMATION

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.

9. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

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.

10. 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. 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 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. If the requester cannot complete the prescribed form then an oral request may be made. 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.

11. PRESCRIBED FEES

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.

12. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT

Personnel Records

For the purposes of this Manual, “Personnel” refers to any person who works for, or, or provides services to or on behalf of the practice and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the practice. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel.
- Records provided by a third party relating to personnel.
- Conditions of employment and other personnel-related contractual and quasi-legal records.
- Internal evaluation records and other internal records.
- Correspondence relating to personnel.
- Training schedules and material.

Patient-Related Records

For the purposes of this Manual, “Patient” refers to any natural person that receives treatment from the practice.

- Records provided by a patient to a third party acting for or on behalf of the practice.
- Records provided by a third party.

- Records generated by or within the practice relating to its patients, including transactional records.

Private Body Records
- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records

Internal Correspondence

These records include but are not limited to, the records which pertain to the practices' own affairs.
- Product records
- Statutory records
- Internal Policies and Procedures
- Records held by officials of the institution

Other Party Records
- Personnel, patient or private body records which are held by another party, as opposed to the records held by the practice itself.
- Records held by the practice pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- The practice may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the practice.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA 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 Deloitte South Africa will consider access.

13. REMEDIES AVAILABLE WHEN THE PRACTICE REFUSES A REQUEST FOR INFORMATION

Internal Remedies
- As a Private Body, the practice does not have an internal appeal procedure. 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 the requestor is not satisfied with the answer supplied by the Information Officer.

External Remedies

- A requestor that is dissatisfied with the information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.
- A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

14. MANUAL AVAILABILITY

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. The practice will update this PAIA Manual at such intervals as it may be deemed necessary.



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Signature of the Head of the Practice / Information Officer

Date: 25 June 2023

ANNEXURE A

REQUEST TO OBTAIN ACCESS TO THE RECORDS OR INFORMATION

Note: The requester must provide sufficient detail on this 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. If the requester cannot complete the prescribed form then an oral request may be made. 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.

Name of Requester:

Contact number of Requester:

Email address of Requester:

Institution or company of Requester:

Please state whether consent has been obtained for the accessing of these records & attach proof submit proof of the capacity in which the request is made:

Reason for Request:

Details of information/ record requested:

Signed:

Date:

ANNEXURE B

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 below: