

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) SECTION 51 MANUAL



Heather Delaney, Clinical Psychologist

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Introduction

This manual is published in terms of **Section 51 of the Promotion of Access to Information Act (Act No.2 of 2000) ("the Act")**. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and/or held by a private person or entity where such information is required to protect rights. This manual applies to the private psychology practice of **Heather Delaney Clinical Psychologist**, with practice number 0943053 and HPCSA number **PS0145785** ("the Practice").

Heather Delaney clinical psychology practice provides psychotherapy services to adults. The Practice is in the health care sector and Heather Delaney is a healthcare professional registered under the Health Professions Act of 1974 and is subject to the rules and regulations of the Health Professions Council of South Africa (HPCSA).

This manual serves to inform members of the public of the categories of information that the Practice holds and that may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

Contact details for the Practice (Section 51 (1) (a))

Name: Heather Delaney (practice owner)

Address of practice: 20 Georgian Crescent, Bryanston, Sandton, 2196

Contact number: 083 4547288

Email address: hi@clinicalpsychologisthd.co.za

Practice Information Officer (Section 51 (1) (a))

The Practice Information Officer is Heather Delaney (practice owner): cell no: 0834547288

email address: hi@clinicalpsychologisthd.co.za

Availability of this manual

A copy of this manual is available:

- For inspection, free of charge, at the Practice office.
- On request from the Practice Information Officer, copies of which will be subject to the prescribed fees.
- In electronic format on the Practice website: www.clinicalpsychologisthd.co.za
- In electronic format from the Information Regulator:
<https://www.justice.gov.za/inforeg/index.html>.

Alternatively, this manual can be accessed from:

The South African Human Rights Commission ("SAHRC")

Postal address: Private Bag 2700, Houghton, 20141

Telephone number: +27 11 877 3600

Fax number: +27 11 403 0625

Website: www.sahrc.org.za

This manual will be updated from time to time as and when required.

How to request access to records held by the Practice (Section 51 (1) (e))

Requests for access to records held by the Practice must be made on the request form that is attached to this manual is Appendix A ("Request Form C").



When a record is requested, the following will apply:

- The requester should address their request to the Practice owner.
- The Request Form must be completed by the requester. All details must be completed on the Request Form, including the right the requester wants to protect by requesting the information and why access to the information is required.
- If the requester is acting on behalf of someone else, the signature of the other person as the one who has authorised the request must be provided. To verify this, the Practice may require further proof such as an identity document or may call the person whose information it is to verify that they have given permission for the other person to access the information on their behalf.
- Provide sufficient details to enable the Practice to identify what records are being requested.
- The requester must state in which format (inspection of copy, paper copy, electronic copy, transcript, etc.) they want to access the information.
- If the record is part of another record, the requester will only be able to access the part(s) that pertains to the information they are entitled to, and not the rest of the record.
- Fees may be payable as prescribed by law.

All requests will be evaluated against the provisions of the Act. The Information Officer may refuse access on grounds stipulated in the Act. A response to a request for information must be provided within 30 days of the request and if not granted and the requester is not satisfied with the Information Officer's written reasons for the refusal, they can approach any Magistrate's Court within 30 days to appeal.

How the Protection of Personal Information Act works (Section 51 (1) (b))

The Act provides that a requester may be provided access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the interest of the public.

Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided. The forms and tariff are dealt with under sections 53 and 54 of the Act.

More information on how the Act works and all other information including the Section 10 Guide can be obtained in each of the official languages from the South African Human Rights Commission at:

The South African Human Rights Commission ("SAHRC")
Postal address: Private Bag 2700, Houghton, 20141
Telephone number: +27 11 877 3600
Fax number: +27 11 403 0625
Website: www.sahrc.org.za
There are also provincial SAHRC offices in all provinces.

Voluntary disclosure

The following information is made known automatically through the Practice website and persons do not have to fill out a form to request such information: scope of practice and



psychotherapeutic approach; session fees and payment conditions; terms and conditions (information and consent forms).

Records available in terms of applicable legislation (Section 51 (1) (c))

Information is available in terms of the following legislation, subject to conditions set by such laws. As legislation changes from time to time, and new laws may stipulate new matters and extend the scope of access by persons specified in such entities, the list should be read as not being a final and complete list.

Business legislation (including all regulations issued in terms of such legislation):

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; etc.

Health legislation (including all regulations issued in terms of such legislation): *(This legislation is of extreme relevance in the health sector and requestors should familiarize themselves with it)*

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; etc.

Records held by the Practice and related categories of data subjects (Section 51 (1) (d))

The Practice holds records in the categories listed below. The fact that a record type is listed here does not necessarily mean that such records will be disclosed, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

- Internal records relating to the professional business of the Practice (Limited availability: Request in terms of PAIA)

This includes financial records; insurance policies and records; professional qualification and registration records and certificates; continuing professional development (CPD) documents and certificates, etc.

- Patient records (Availability: Request in terms of PAIA)

This includes patient lists; personal information including contact and medical aid details; health and session records; medical reports; consent contracts; financial and accounts information; research information and other similar patient-related information, etc. It must be noted that, in the health sector, personal and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.

Categories of recipients of personal information

The Practice, as authorised by the National Health Act, shares relevant personal and health information with the hospitals it works with, with other service providers who are involved in patient care and where such sharing is in patients' best interests and with medical schemes,



where applicable. The personal information will be shared in compliance with the legal obligation of the Practice to protect the integrity and confidentiality of patients' personal information and only to the extent necessary to achieve the purposes detailed in the next section.

Purpose of the processing of the records referred to

The purpose of processing the information contained in the records listed above,

- In relation to internal records: For good corporate governance and to comply with professional legislation.
- In relation to patient records: For retention of records as required by law and to provide healthcare services and collect fees for the services provided.

Suitability of information security measures

This Practice stores information electronically and physically as follows:

- Physical records are kept in locked cabinets at the Practice which is locked when not in use and only the practice owner and emergency contacts of the owner have access to the keys of the office of the Practice. There is an alarm system, security gate, burglar bars and security cameras at the Practice; these security measures also serve to protect the electronic devices mentioned below.
- Electronic records are kept on office computers and external hard drives which are password-protected, with anti-virus software regularly updated to protect against hacking, unauthorized access, tampering and the likes.

Planned trans-border flow of personal information

The Practice does not have any planned trans-border flow of personal information. It does, however, back up electronic records on password-protected cloud storage, which is located outside of South Africa. The cloud storage service provider's privacy safeguards are POPIA-compliant.

Prescribed fees (Section 51 (1) (f))

The following legally mandated fees apply to requests for information:

- The requester is required to pay the prescribed fee of R50 before the request will be processed.
- If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of not more than a third of the access fee which would be payable if the access was granted, shall be payable.
- The requester may lodge an application with a court against the payment of the request fee and/or deposit.
- Records may be withheld until fees have been paid.
- The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za and attached here as Appendix B.

This manual is signed by Heather Delaney on the 29.06.2021



Heather Delaney

Signature: Information Officer and practice owner





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REPUBLIC OF SOUTH AFRICA

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:

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:

[illegible]

Postal address:

Telephone number: (.....)

Fax number: (.....)

E-mail 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:

[illegible]

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.

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 below, 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 for access 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*
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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)		
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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)
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*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

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....

SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST
IS MADE

Appendix B
FEES IN RESPECT OF RECORDS REQUESTED FROM 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 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) 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 R60.00
 - e)
 - i) For a transcription of an audio record, for an A4-size page or part thereof R20.00
 - ii) For a copy of an audio record R30.00
 - f) Search and preparation of the record for disclosure R30.00 per hour or part thereof, excluding the first hour, reasonable required for search and preparation
 - g) Actual postage fee
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50.00.