



ZUID-AFRIKAANS HOSPITAAL EN DIAKONESSENHUIS

MANUAL

PROMOTION OF ACCESS TO INFORMATION ACT (No. 2 OF 2000)

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000
(hereinafter referred to as the Act)**

CONTENTS

1. Introduction to the private body.
2. Organogram of the Staff of the Zuid-Afrikaans Hospitaal en Diakonessenhuis.
3. Particulars in terms of the section 51 manual
4. Contact details.
5. The guide.
6. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2).
7. Records available in terms of any other legislation.
8. How must a person go about asking for records? The description of subjects of records held by the body and the categories in which these subjects are classed.
9. A description of the Subjects of the Records Held by the Body and the Categories in which these Subjects are Classified.
10. Grounds for Refusal of Access to Information and/or Records.
11. Access to Health or other Records in terms of section 61 of the Act.
12. Other Information as may be Prescribed.
13. Availability of the Manual.
14. Prescribed fees for Private Bodies.
15. Prescribed Forms.

1. INTRODUCTION TO ZUID-AFRIKAANS HOSPITAAL EN DIAKONESSENHUIS.

The Zuid-Afrikaans Hospitaal en Diakonessenhuis is a private hospital which operates on a not for profit basis. The hospital exists since 1904.

The Hospital operates as an independent hospital, i.e. not part of any of the major groups. The Hospital has 182 beds and provides the following services:

- General Surgery
- Vascular Surgery
- Urology
- Gynaecology
- Orthopaedic Surgery
- ENT
- Cardio thoracic Surgery
- Paediatrics
- ICU and Paediatric ICU
- 24-Hour Emergency Facility

The objectives of the Hospital include:

1. Promoting the development of an economic and social system based on the principles of justice, the free market economy, individual entrepreneurship and equal opportunity;
2. Initiating, influencing and commenting on proposed legislation in the interests of its members;
3. Acting as a representative on behalf of its members to commissions, committees or other institutions as decided by its members. This includes committees such as The Multi-Professional Peer Review Committee, The Medical Schemes Council, The Road Accident Fund board, The National Health Information Standards Committee, The Department of Health Quality Assurance Committee, The R158 Committee, amongst many others;
4. Affiliating with other international bodies such as the British Hospital of Private Hospitals, the American Hospital and the Australian Hospital;
5. Communicating and consulting with its members on important national and

international affairs, which may impact on South African healthcare interests;

6. Informing and advising its members and acting as a communication hub. This includes workshops and conferences at regional and national level, the publication of two monthly newsletters as well as prestigious annual publications.
7. Investigating complaints and acting as a mediator in dispute resolution arising from patient or members complaints;
8. Marketing the competence and ability of its members to the broad public, which is accomplished through media liaison, press releases, public addresses, and the placement of advertisements in the press.

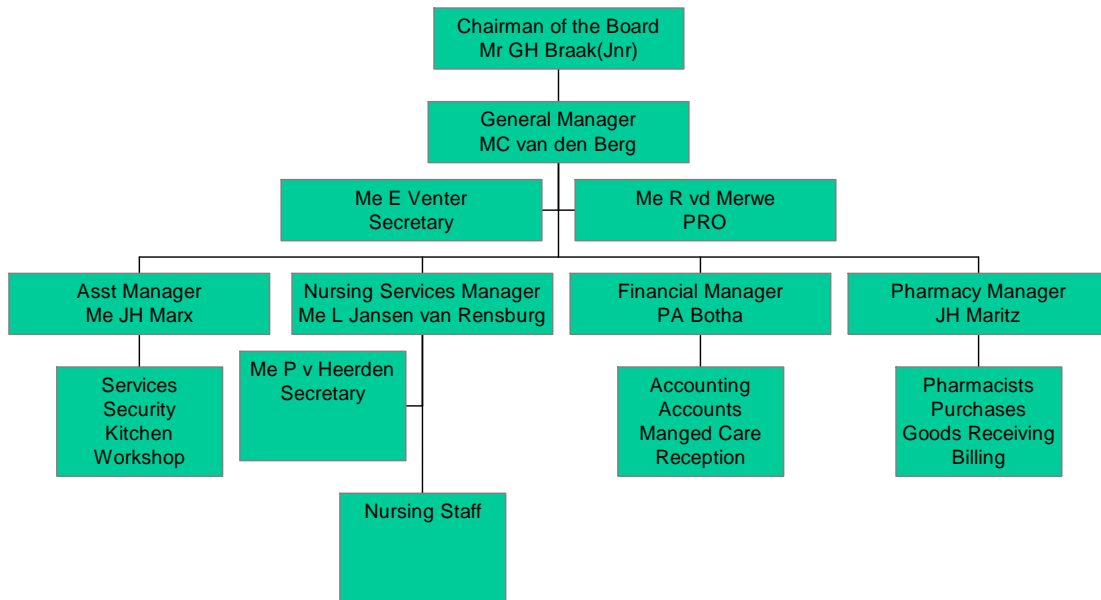
The Hospital is situated at 255 Bourke Street, Muckleneuk in Pretoria and employs the following full time staff:

- (a) General Manager
- (b) Assistant Manager
- (c) Nursing Services Manager
- (d) Financial Manager
- (e) Pharmacy Manager
- (f) 98 Nurses
- (g) 24 Admin Clerks
- (h) 4 Workshop Workers
- (i) 67 General Workers

The Hospital is governed by a board of four to five directors, which are elected from doctors working at the hospital and businessmen from the community:

- (a) Mr GH Braak (Jnr) Chairman
- (b) Dr LJ du Toit Deputy Chairman
- (c) Dr NJ Grobbelaar
- (d) Prof AP Melck

2. ORGANOGRAM OF STAFF OF THE ZUID-AFRIKAANS HOSPITAAL EN DIAKONESSENHUIS.



3. INTRODUCTION TO THE MANUAL.

The Zuid-Afrikaans Hospitaal en Diakonessenhuis in the spirit of transparency and democratic accountability hereby publishes its 'Information Manual' in terms of the Promotion of Access to Information Act.

4. CONTACT DETAILS:

Name of body: Zuid-Afrikaans Hospitaal en Diakonessenhuis

Contact Person: Mr MC van den Berg (General Manager)

Address: 255 Bourke Street
Muckleneuk
Pretoria
0002

Postal Address: P O Box 30363
SUNNYSIDE
0132

Telephone Number: (012) 343 0300

Facsimile Number: (012) 343 5535

E-mail: info@zah.co.za

5. THE GUIDE AS DESCRIBED IN SECTION 10.

In terms of section 10 of the Act, a guide will be prepared and published by the Human Rights Commission of South Africa, containing such information as may be required by a person and/or institution wishing to use the provisions of the Act.

Any enquiries regarding the aforementioned guide should be directed to:

***The South African Human Rights Commission
At PAIA Unit (The Research and Documentation Department)
Pvt Bag X2700,
Houghton
2041
(011) 4848300 (telephone number)
(011) 4841360 (facsimile number)***

6. THE LATEST NOTICE REGARDING THE CATEGORIES OF RECORDS OF THE BODY, WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THIS ACT IN TERMS OF SECTION 52(2).

At the time of this publication the Minister of Justice and Constitutional Development had not yet published any regulations under this section of the Act.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION (INCLUDING BUT NOT LIMITED TO THE COMPANIES ACT, ACT

NO. 6 OF 1973, THE INCOME TAX ACT, ACT NO. 58 OF 1962).
[Section 51(1)(d)]

Records are kept in accordance with the following legislation (this list is not exhaustive):

- (a) Basic Conditions of Employment Act 75 of 1997
- (b) Companies Act 61 of 1973
- (c) Compensation for Occupational Injuries and Diseases Act 130 of 1993
- (d) Employment Equity Act 55 of 1998
- (e) Income Tax Act 58 of 1962
- (f) Labour Relations Act 66 of 1995
- (g) Skills Development Levies Act 55 of 1998
- (h) Trade Marks Act 194 of 1993
- (i) Unemployment Insurance Act 30 of 1966
- (j) Value Added tax Act 58 of 1962.
- (k) All related health legislation.

8. HOW MUST A PERSON GO ABOUT ASKING FOR RECORDS?

- (a) Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. The requester must at all times comply with the procedural requirements of the Act.
- (b) The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester (see attached form marked Annexure A). The requester should also submit payment in terms of a request fee and a deposit, if applicable to the Information Officer at the address given in paragraph 3.1 of the Manual.

- (c) The requester must clearly identify and/or state the right that he or she is seeking to exercise or protect, as well as provide a clear explanation of why the requested record is required for the exercise or protection of that right.
- (d) If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- (e) The Information Officer will then ensure that the request is processed within 30 (thirty) days of having received that request, unless not practically possible. Should the requester require a more expedient processing of his or her request, then a special request must be made in this regard.
- (f) The requester shall then be informed (in writing) whether his or her request for access has been granted or not. Should the requester require reasons for any decision in this regard, and then he or she must stipulate such.

9. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY THE BODY AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED.

The body has the following records:

Company Secretarial

- Company Articles of Hospital
- Registers
- Minutes of meetings
- Statutory returns

Movable and Immovable Property

- Title Deeds
- Lease Agreements
- Hire agreements
- Hire-purchase agreements
- Credit sale agreements
- Ordinary and conditional sale agreements

Intellectual Property

- Trade mark
- Patents
- Copyright
- Designs
- Licensing agreements

Insurance

- Policies
- Insurance claim files

Taxation

- Income tax files

Human Resources

- Policies and procedures
- Employee information
- Personnel files
- Conditions of Employment
- Internal Evaluation Records (where applicable)
- Correspondence.
- Training Schedules and Related Material.
- Agreements
- Forms and applications
- Standard letters and notices

Finance

- Financial statements
- Reports and returns
- Banking details and bank account records
- Debtors/creditors statements and invoices

Operations

- Policies and procedures
- Reports and supporting documentation

Information technology

- System documentation and manuals

Administration

- Internet (www.zah.co.za)
- Correspondence with internal and external parties

These records include, but are not limited to, any and all records, which pertain to the Zuid-Afrikaans Hospitaal en Diakonessenhuis's internal and external affairs.

10. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS.

- (a) Any refusal in terms of the Act.
- (b) The protection of a third person's right to privacy, when such release of information would amount to the unreasonable and/or unlawful disclosure of personal information of that person.
- (c) Mandatory protection of any commercial information of a third party, including but not limited to any trade secret, commercial and/or intellectual property.
- (d) Any confidential information, which is protected by an agreement between the parties.
- (e) Mandatory protection of a person's property and or safety.
- (f) Any documentation and information that would be considered privileged in terms of any legal and/or medical proceeding.
- (g) Any intellectual, commercial and/or related documentation relating to the business activities of the Zuid-Afrikaans Hospitaal en Diakonessenhuis.

- (h) Any other reason, allowed in law.

11. ACCESS TO HEALTH OR OTHER RECORDS. (SECTION 61 OF THE ACT).

- (a) For the purposes of this paragraph, the term 'relevant person' shall refer to the requester and/or the authorised person making a request on the person's behalf.
- (b) Requesters must stipulate in their request for access to information and/or records what health related information is required, understanding that information held by a medical practitioner, must be obtained directly from him or her. No hospital can release information held by another party, or information that is protected by the medical practitioner/patient relationship.
- (c) The Information Officer, in terms of section 50 of the Act, may only grant a request for access to information and/or a record provided by a medical practitioner in his or her capacity as such, about the physical or mental health of the requester him or herself, or to a authorised person making such a request on behalf of the person concerned.
- (d) The Information Officer may in terms of section 61(1) of the Act, may refuse access to information and/or record/s, if he or she is of the opinion that the disclosure would cause serious harm to the requester's physical and/or mental health, or well being.
- (e) Before the Information Officer allows, grants or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to section 61(2), has been nominated by the relevant person.
- (f) If the relevant person is:
 - (i) under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in section 61(1) of the Act: or
 - (j) incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.

- (g) If after the Information Office has given access to the nominated medical practitioner, and he or she (practitioner) is of the opinion that the disclosure of the information and/or record to the relevant person, would be likely to cause serious harm to his or her physical and/or mental health, or well being, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester, that adequate provision has been made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the information and/or record to limit, alleviate or avoid such harm to the relevant person.
- (h) Before access to the information and/or record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the information and/or record.
- (i) The Information Officer may also refuse access to information and/or records in terms of any other law.

12. OTHER INFORMATION AS MAY BE PRESCRIBED.

- (a) Appealing a decision of the Zuid-Afrikaans Hospitaal en Diakonessenhuis.
- (b) Where a requester has been denied access to any information and/or record, and the requester is for whatever reason dissatisfied with that decision, he/she may within 30 (thirty) days of such notification, apply to a Court within his or her jurisdiction for relief.
- (c) Any third party, who is dissatisfied with the Information's Officers decision to disclose information and/or records for whatever reason, may apply to a Court in his or her jurisdiction for relief.
- (d) In terms of the provisions of this Act, the Court/s to be used for the purpose of this paragraph (Appeals) are the Constitutional Court, the High Court of South Africa and any other court of a similar status.

13. AVAILABILITY OF THE MANUAL

In accordance with paragraph 9(1) of the Regulations to the Act, this manual has been made available to the Human Rights Commission and is published on the Zuid-

Afrikaans Hospitaal en Diakonessenhuis website (www.zah.co.za). The Manual is thus available from the Human Rights Commission, and may be seen on the web site stated.

14. FEES IN RESPECT OF PRIVATE BODIES

- 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 thereof.
- The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

1. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
2. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00



- (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
 - (ii) For a copy of visual images 60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - (ii) For a copy of an audio record 30,00
 - (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.

15. PRESCRIBED FORMS (Annexure A)

REQUEST FOR ACCESS TO RECORD OF THE ZUID-AFRIKAANS HOSPITAAL EN DIAKONESSENHUIS.

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

A. Particulars of the Zuid-Afrikaans Hospitaal en Diakonessenhuis.

The Information Officer: Mr MC van den Berg
General Manager
255 Bourke Street
Muckleneuk
Pretoria
0002

Postal Address: P O Box 30362
Sunnyside
0132

Telephone Number: (012) 343 0300

Facsimile Number: (012) 343 5535

E-mail: info@zah.co.za

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: _____

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: _____

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 you, 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 o 4 hereunder, state your disability and indicate in which form

<i>the record is required.</i>	
Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record		
10. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of the images
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	Listen to the sound track (audio cassette)	<input type="checkbox"/>	Transcription of sound track* (written or printed document)		
4. If record is held on computer or in an electronic or machine readable form:					
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcript 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.***

4. Indicate which right is to be exercised or protected.

5. Explain why the record requested is required for the exercise or protection of the aforementioned right.

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at _____ this _____ day of _____ 20_____

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**