



ACCESS TO INFORMATION MANUAL

(PRIVATE BODY)

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)

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1. INTRODUCTION TO MELOMED HOSPITAL HOLDINGS (PTY) LTD. (“THE MELOMED GROUP”)

The Melomed Group (“the Company”) owns and administers private hospitals namely; **Melomed Gatesville** at Clinic Road, Gatesville, **Melomed Mitchells Plain** at Symphony Walk, Mitchells Plain, **Melomed Bellville**, situated on the corner of Voortrekker and AJ West Street, Bellville, **Melomed Richards Bay**, situated at John Ross Eco Junction, Corner of N2 & MR 496 (John Ross Highway), Richards Bay and **Melomed Tokai** situate at the Cnr of Main Road & Keyzers Road, Retreat. The company also owns an emergency Ambulance unit namely **Melomed 24 Emergency Services** at Ground Floor, Melomed Gatesville, Gatesville as well as a fully Halaal catering service, namely **Melomed Catering Services**, catering for the food preparation needs of all the Melomed Hospitals, a private life skills clinic called **Melomed Private Clinic** situate at No.148 Imam Haron Road, Claremont. The hospital wards, reception area and theatres have been designed to feature the very latest in technology and aesthetic appeal. All hospitals service members of the previously disadvantaged community. The company is a black self-empowered and controlled business. The company at all times attempts to ensure that it subscribes and outsources certain of its services on an affirmative action basis. The hospitals boast excellent medical services rendered by experienced medical and nursing personnel. Its mission is to create environments, which enable the highest level of quality private healthcare and maximize investment potential in partnership with strategic service providers and patient focused employees within the communities. The hospitals offer a variety of services and have facilities for a range of specialised surgeries. **Melomed Head Office is situated at Unit 6 & 8 Melomed Office Park, Kenilworth, Cape Town.**

1.1 INFORMATION OFFICER MELOMED GROUP

Shaafee Hendricks	Facsimile Number:	(021) 699 1023
P O Box 204	Telephone Number:	(021) 699 0950
GATESVILLE	E-mail address:	shaafee.hendricks@melomed.co.za
7766		

2. 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) 484 8300 (telephone number)

(011) 484 1360 (facsimile number)

www.sahrc.org.za (website)

3. 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.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

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; Companies Act 71 of 2008
- (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.

5. 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 1.1 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, then he or she must stipulate such.

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

- 6.1 Company Secretarial
- 6.2 Movable and Immovable Property
- 6.3 Intellectual Property
- 6.4 Insurance
- 6.5 Taxation
- 6.6 Human Resources
- 6.7 Finance
- 6.8 Operations
- 6.9 Information technology
- 6.10 Administration
- 6.11 Hospital related records

These records include, but are not limited to, any and all records, which pertain to the Hospital Association of South Africa's internal and external affairs.

7. 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 Hospital Association of South Africa.
- (h) Any other reason, allowed in law.

8. 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 an 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
 - (ii) incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.
 - (iii) not requesting a full disclosure of information and / or records, or when limited information and / or records are stipulated in the request, only the specified information and / or records requested will be provide.
 - (iv) a requester stipulating their request for access to information and/or records for educational and research purposes, and where full disclosure is not warranted, the information and/or records of the patient may be provided anonymously.
 - (v) a third party requester must obtain informed consent (written) from the patient if the patient's information will be passed on to a third party requester.

- (g) If after the Information Officer 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.

9. OTHER INFORMATION AS MAY BE PRESCRIBED.

- (a) Appealing a decision of the Hospital Association of South Africa.
- (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) is the Constitutional Court, the High Court of South Africa and any other court of a similar status.

10. 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 Melomed Group website (www.melomed.co.za) The Manual is thus available from the Human Rights Commission and may be seen on the web site stated.

11. 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) floppy 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.

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) stiffer 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.	

F. FORM OF ACCESS TO RECORD

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

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 sound track (audio cassette)		Transcription of sound track* (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 transcript of a record (above), do you wish the copy or transcription to be posted to you?			YES
*If you requested a copy or transcript of a record (above), do you wish the copy or transcription to be posted to you?			NO
Postage is payable.			

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 AT _____ THIS _____ DAY OF _____ 20 _____

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