



PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

This manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, 2000 ("The Act") ("PAIA") for Bergman Ross and Partners Inc ("BRP"). The purpose of this document is to provide information and a guideline for those who wish to request records in terms of the Act. The responsibility for the administration of and compliance with the Act has been delegated as follows:

Information Officer : Dr Jack Wilfred Bergman
Deputy Information Officer : Ms Yvette Hechter

Contact details

Head Office : Unit A9
N1 City Mews
Manus Gerber Street
Goodwood
7460

Postal address : PO Box 12716
N1 City
7463

Telephone no. : +27 (0)21 595 2515
Email : io@bergmanross.co.za
Website : www.bergmanross.co.za

In terms of Section 10 of the Act, a guide has been compiled by the South African Human Rights Commission and is available to the public via the website, www.sahrc.org.za and queries may be directed to:

The South African Human Rights Commission
27 Stiemens Street
Braamfontein
2017

Telephone no. : +27 (0)11 877 3600
E-mail : tsebulela@sahrc.org.za

1. Introduction

BRP is a private Practice in the field of Radiology. We specialise in diagnostic Radiology services to private and public patients. We operate in the medical sector and are healthcare professionals registered under the Health Professions Act of 1974, and are subject to the rules and regulations of the Health Professions Council of South Africa ("HPCSA").

2. Guidelines for requesting access to information

Information may be requested in accordance with the procedure and terms as contained in the Act. The prescribed forms for completing such a submission are available from the Information Officer. All requests will be evaluated in terms of the provisions of the Act and it must be noted that allowance is made for the Information Officer to refuse access to information on the grounds as stipulated within the Act.

3. Records available as per other legislation – Section 51 (1)(d)

Certain information is available as per the provisions contained in the following legislation (as amended) to the specified person(s) or entities with the parameters of the Act. However, as legislation changes, new laws may give rise to changes in the scope of access and, as such, the below list should not be viewed as exhaustive.

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 55 of 1998
- Health Professions Act 56 of 1974
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Promotion of Access to Information Act 2 of 2000
- Regional Services Councils Act 109 of 1985
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- 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
- 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

4. Records held by BRP

The following broad categories of records are held by BRP who, in complying with the stipulations of the Act, will strictly adhere to the evaluation processes before granting access to such information in accordance with sections 62 to 69 of the Act. These records are not necessarily available in terms of the Act.

- Legal agreements and contracts
- Insurance records
- Operational records
- Financial and accounting records
- Statutory records
- Marketing information
- Human Resources records and employee information (past, present, permanent and contractors)
- Patient records – *please note that strict regulations are governing the disclosure of such information and these details are protected by prevailing legislation*
- External vendor and service provider records
- IT and technical details

5. Request procedure

To submit a request for access to records held by BRP, the submission must be made by completing the prescribed request form and sending it to the Information Officer as per the contact details listed in this document. Please note that the completion and submission of an access request form do not automatically constitute the requester the desired access to information. Each application for access to information is subject to certain limitations if the records requested fall within a certain category as specified with Part 3 and Chapter 4 of the Act. The prescribed access fee and request fee as may be applicable will be charged and details of the fee structure are available on the website of the South African Human Rights Commission, www.sahrc.org.za. The prescribed form is also available on our website, www.bergmanross.co.za.

When requesting access to information:

- The prescribed Access Request Form must be completed in full
- ID copy of the requester as proof of identity is required to authenticate the identity of the requester
- If there is insufficient space on the form, please provide the additional information on a separate page (attached to the prescribed form)
- The completed form and proof of identity as well as all attachments must be addressed to the Information Office and submitted via post, email or hand-delivered to the address(es) as listed in this document
- An initial request fee of R57.00 (including VAT) is payable on submission – although the fee does not apply to persons requesting access to records containing their personal information

6. Notification and response

BRP, within 30 days of receiving a request for access to information, will confirm its decision and notify the requester whether such request has been approved or declined and provide reasons as may be relevant. The 30 days may be extended by not more than a further 30 days should the request involve a large volume of information that cannot reasonably be obtained within the initial 30-day period. BRP undertakes to notify the requester in writing should an extension be required.

7. Refusal of access to information

The main reasons for refusing access to information as per sections 34-46 of the Act are:

- Mandatory protection of the privacy of a third party (natural person) related to the unreasonable disclosure of personal information of that natural person
- Mandatory protection of the commercial information of a third party if the record contains sensitive details that could, if disclosed, cause harm to the business interests of that party
- Any information provided in confidence by a third party to BRP if such disclosure could result in that third party being disadvantaged in commercial competition or negotiations
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- Mandatory protection of the safety of individuals at the protection of property
- Mandatory protection of records that may be viewed as privileged in legal proceedings

8. Copies of this manual

Further copies of this manual (or updated versions thereof) can be obtained or inspected at BRP's office at the address listed in this document and can also be accessed via BRP's website www.bergmanross.co.za

9. Disclaimer


No information contained in this document is anyway intended to be understood as legal advice or confirmation from BRP and/or any of its employees. BRP does not warrant the accuracy or completeness of this information. Consent must be obtained from BRP before any information contained in this document is replicated. BRP is not responsible for action taken or information reproduced from this document. No person shall have any claim against BRP and its staff of any nature arising from the information contained in this document.

SIGNED ON THIS 29th DAY OF June 20 21



Dr JW Bergman

INFORMATION OFFICER



Ms Y Hechter

DEPUTY INFORMATION OFFICER