



**THE
MEDICAL
SOCIETY**

SECTION 51 MANUAL FOR The Medical Society (Pty) Ltd (2016/399200/07)

INFORMATION REQUIRED UNDER SECTION 51(1)(A) OF THE ACT

INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000, gives effect to the constitutional right of access to any information held by private bodies that is required for the exercise or protection of any rights.

The Act provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or protection of a right. However; the right to access to any information held by a private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act.

CONTACT DETAILS AND GENERAL INFORMATION

Postal Address of head of The Medical Society(Pty) Ltd:

Private Bag X6, Florida Hills, 1716

Physical Address of head of The Medical Society (Pty) Ltd:

401 Flora Centre, Corner Ontdekkers and Conrad Road, Florida North, Roodepoort, 1709

Tel No. of head of The Medical Society (Pty) Ltd:

0861 11 10 58

Fax No. of Head of The Medical Society (Pty) Ltd:

0861 22 44 66

Website:

www.themedicalsociety.co.za

Email address of head of The Medical Society (Pty) Ltd:

info@themedicalsociety.co.za

Head of The Medical Society (Pty) Ltd:

Murray Hewlett

GUIDE ON THE PROMOTION OF ACCESS TO INFORMATION ACT (SECTION 10 GUIDE)

A guide has been compiled in terms of Section 10 of PAIA by The Medical Society (Pty) Ltd. The guide contains information for purposes of exercising constitutional rights.

The guide is available for inspection, inter alia, at the offices of The Medical Society (Pty) Ltd and at the SAHRC.

It is obtainable by contacting the SAHRC at:

The South African Human Rights Commission

PAIA Unit, Private Bag 2700, Houghton, 2041

Telephone:

011 877 3600

Fax No.:

011 403 0625

Email:

paia@sahrc.org.za

Website:

www.sahrc.org.za

THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access on terms of PAIA.

ACTS AND OTHER LEGISLATION HELD AT PHYSICAL ADDRESS BY The Medial Society (Pty) Ltd (Pty) Ltd

- Client and Customer Registry
- Contracts
- Basic Conditions of Employment 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Promotion of Access to Information Act 2 of 2000
- Marketing and Future Strategies
- Marketing Records
- Production Records
- Sales Records
- Annual Financial Statements
- Asset Register
- Inventory Register
- Banking Records
- Budgets
- Financial Transactions
- Insurance Information
- Internal Audit Records
- Purchase and Order Information
- Tax Records (company and employee)
- IT Policies and Procedures
- User Manuals
- PAYE Records
- Disciplinary Records
- Leave Records
- SETA Records
- Workmen's Compensation Records and Certificates

DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS –SECTION 51(e)

- The requester must complete Form C and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/her address, fax number or email address.
- The form must:
 - Provide sufficient particulars to enable the head of the private body to identify the record(s) requested and to identify the requester;
 - Indicate which form of access is required;
 - Specify a postal address or fax number of the request in the Republic;
 - Identify the right that the requester is seeking to exercise or protect;

- Provide an explanation of why the requested record is required for the exercise or protection of that right;
- Should the requester wish to be informed of the decision on the request in any other manner, he/she should state the manner and the necessary particulars on the form.
- If the request is made on behalf of another person, to submit proof of capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.
- The head of the private body must notify the requester of the prescribed fee (if any) before further processing the request.
- If the request is granted then a further access fee must be paid for the reproduction, the search, the preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- If a requester cannot complete the prescribed form then an oral request may be made.

The head of the private body must refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a private body; the disclosure of which would be likely to expose:

- The private body;
- A person that is or will be carrying out the research on behalf of the private body; and
- The subject matter of the research, to serious disadvantage.

Commercial activities of The Medical Society (Pty) Ltd

These include:

- Trade secrets of The Medical Society (Pty) Ltd;
- Financial, commercial, scientific and technical information which disclosure could likely cause harm to the financial or commercial interests of The Medical Society (Pty) Ltd;
- Information that ,if disclosed, could put The Medical Society (Pty) Ltd at a disadvantage in negotiations or commercial competition.

Computer program owned by The Medical Society (Pty) Ltd and which is protected by copyright

REMEDIES AVAILABLE WHEN The Medical Society (Pty) Ltd REFUSES A REQUEST FOR INFORMATION

Decision

The Medical Society (Pty) Ltd will, within 30 days of receipt of a request, decide whether to grant or to decline that request and give notice with reasons. The 30 day period within which The Medical Society has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a vast amount of information or the request requires the search for information to be held at another location and the information cannot be reasonably obtained within the original 30 day period.

The Medical Society (Pty) Ltd will notify the requester in writing should an extension be sought.

Appeal

When a requester is not satisfied with the decision made for example, refusing access, imposing an access fee or extending the time period for when a response is due, he/she may lodge an application with a court against the decision made within 60 days of receiving the decision that caused the grievance.

FEES

Part III of Regulation 187 published in the Government Gazette on the 15th February 2002.
The head of the private body will notify the requester in writing to pay the prescribed request fee, before processing the request. If the request pertains to personal information, the requisite request fee will not be imposed.

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.

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: Compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
e) For a copy of visual images	R60,00
f) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
g) For a copy of an audio record	R30,00

The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00

The access fees payable by a requester referred to in Regulation 11(3) 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: Compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
e) For a copy of visual images	R60,00
f) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
g) For a copy of an audio record	R30,00

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.

For purposes of Section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable; and
- One third of the access fee is payable as a deposit by the requester.
- The actual postage is payable when a copy of a record must be posted to a requester.

Fees are subject to change

AVAILABILITY OF THE MANUAL

This manual is available in terms of Regulation Number R. 187 of 15 February 2002.

This manual is available at the following:

- www.themedicalsociety.co.za
- www.sahrc.org.za
- The offices of The Medical Society (Pty) Ltd

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: _____

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 portfolio and attach it to this form. The requester must sign all the additional portfolios.

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* 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.
- (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

Disability:	
Form in which record is required:	Form in which record is required:
<p>Mark the appropriate box with an X:</p> <p>NOTES:</p> <ul style="list-style-type: none"> (a) Compliance with your request 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 cases you will be informed if access will be granted in another form. (c) The fee payable for access for 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 the 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 the 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		
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* (USB)	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be emailed/couriered to you? Courier fees are payable					YES	NO