

**EMRIE VAN TONDER PHYSIOTHERAPY**

**Pr no: 9990720000794074**

**MANUAL**

**In terms of**

**SECTION 51 of**

**PROMOTION OF ACCESS TO INFORMATION ACT**

**2/2000**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (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 to information held by another person or entity, where such information is required by someone to protect his/her rights.

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## **1. INTRODUCTION**

Emrie van Tonder Physiotherapy is a solus practice whose principle business is providing general physiotherapy care and services.

This manual serves to inform members of the public of the categories of information I/we hold, and which 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.

## **2. BUSINESS CONTACT DETAILS**

Owner/Physiotherapist: Mrs E van Tonder  
Information Officer: Mrs E van Tonder

Postal Address: PO Box 25359, Monument Park, 0105

Physical Address: 78 Loe Piet street, Val de Grace, 0184

Telephone number: 067 801 6839

Email: info@physiocare.co.uk

## **3. THE ACT**

**3.1** The ACT grants a requester 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 public interest.

**3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

**3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### **4. AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available -

- At our reception desk at my/our practice situated at 78 Loepiet street, Val de Grace, Pretoria.
- On request from the business Information Officer
- From the South African Human Rights Commission (“SAHRC”) at the addresses and/or telephone numbers as published by the Commission.
- From our website: [www.physiocare.co.za](http://www.physiocare.co.za), under the Helpful Links section

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

#### **5. RECORDS AVAILABLE IN TERMS OF APPLICABLE LEGISLATION**

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time to time, and new laws may stipulate new manners and extend the scope of access by persons specified in such entities, this list should be read as not being an exhaustive list.

Business legislation (including all amendments and 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; 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; etc.

Health legislation (including amendments and regulations issued in terms of such legislation):

The Health Professions Act 56 of 1974, 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; etc.

## **6. SCHEDULE OF RECORDS HELD BY EMRIE VAN TONDER PHYSIOTHERAPY**

I / We hold records in the following categories. The fact that we list a record type here does not necessarily mean that we will disclose such records, 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 my / our practice and business**, which includes our business's founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; etc.

**Personnel records**, which includes records relating to temporary employees, fixed term employees, part-time employees, permanent employees, contractors, partners, directors. It

includes personal files and similar records, records third parties have provided to us about their personnel; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related records and correspondence.

**Patient records**, which includes patient lists; health records, funding records, agreements, consents, needs assessments; financial and accounts information; research information; evaluation records; profiling; and similar information. ***It must be noted that, in the health sector, personal and patient information are confidential and protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.***

**Supplier and service provider records**, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service and other contacts.

**Technical records**, which includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professional's council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

**Third party information**, which may be in our possession, but which would be subject to the conditions set in relation to such possession.

**Environment and market information**, which include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our business and factors that affect the business, professional and healthcare environment.

**Voluntary disclosure**, which include the following limited information that is made known automatically on websites and in the practice and persons do not have to request such information: terms and condition forms, product brochures, information leaflets, major medical scheme websites, local medical practitioners

## **7. HOW TO REQUEST ACCESS TO RECORDS HELD BY EMRIE VAN TONDER PHYSIOTHERAPY**

To facilitate the processing of your request, kindly:

**7.1** Use the prescribed form, “**Form C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**”, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za). Please note that fees may be payable for reproduction of the record requested. These fees are prescribed by law and can change from time to time. The current fee list is attached to this manual and also available at [www.sahrc.org.za](http://www.sahrc.org.za).

**7.2** Address your request to the Business Information Officer.

**7.3** Provide sufficient details to enable the Information Officer to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required (inspection of copy, paper copy, electronic copy, transcript, etc);
- (d) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- (f) If the record is part of another record, the requester will only be allowed access to the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.

All requests will be evaluated against the provisions of the Act. The Act allows the Information Officer to refuse access on grounds stipulated in the Act. A requester can, for example, not access another person’s confidential information, or trade or commercial secrets of a business.


An answer on a request for information must be made within 30 days of the request, and if not granted and the requester is not satisfied with the reasons for the refusal of access, s/he can approach the courts within 30 days of the request being refused.

## **8. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 8.1** A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 8.2** If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 8.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 8.4** Records may be withheld until the fees have been paid.
- 8.5** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

This manual is signed by Emrie van Tonder, Owner/Physiotherapist on 23/04/2019

  
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Signature