



**SPECIALIST GERIATRIC  
& MEMORY CLINIC**

**2021**

**DR KJB Ross**

**Promotion of Access to Information Act Manual**

In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

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## 1. Introduction

This manual applies to the information held by the practice of Dr KJB Ross (Practice Number: 0180070113255), hereinafter referred to as “the practice”. DR KJB ROSS is a registered medical practitioner, with the Health Professionals Council of South Africa in terms of the Health Professions Act 56 of 1974.

This manual is intended to:

- nurture a culture of transparency and accountability,
- respect the right to information required for the exercise or protection of any right,
- actively promote a society in which the people of South Africa have effective access to information so they may more fully exercise and protect their rights.

The practice aims to empower, and educate everyone on the rights in terms of the PAIA Act so they can exercise their rights regarding their information.

Section 9 of the PAIA Act however recognises that such a right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy, commercial confidentiality; and effective, efficient and good governance; and
- In a manner which balances that right with any other rights, including such rights contained in the bill of rights in the constitution.

This manual is available for inspection, free of charge, at the physical practice address of DR KJB ROSS, recorded in paragraph 3 below.

## 2. Purpose of PAIA

This manual is compiled in accordance with section 51 of the PAIA Act. It is intended to provide:

- A description of the records held by the practice
- Explain the grounds for refusal of access to any records
- Outline the procedure to be followed and the fees payable when requesting access

## 3. Contact Details

### 3.1 General Contact Details

Practice name: Dr KJB Ross

Postal & Physical address: Specialist Geriatric and Memory Clinic, Suite  
2024, North Wing Suites, Vincent Pallotti  
Hospital, Alexandra Road, Pinelands, 7405

Telephone number: 021 200 5924

Website: [www.sgmclinic.co.za](http://www.sgmclinic.co.za)

### 3.2 Information Officer Contact Details

Name: Dr Kathleen Ross

Postal and Physical address: Specialist Geriatric and Memory Clinic, Suite 2024, North Wing Suites, Vincent Pallotti Hospital, Alexandra Road, Pinelands, 7405

Telephone number: 021 200 5924

E-mail address: [drkross@sgmclinic.co.za](mailto:drkross@sgmclinic.co.za)

### 3.3 Deputy Information Officer Contact Details

Name: TBC

Postal and Physical address: Specialist Geriatric and Memory Clinic, Suite 2024, North Wing Suites, Vincent Pallotti Hospital, Alexandra Road, Pinelands, 7405

Telephone number: 021 200 5924

E-mail address: [gerireception@sgmclinic.co.za](mailto:gerireception@sgmclinic.co.za)

### 3.4 South African Human Right Commission: The PAIA Unit

The South African Human Rights Commission is required in terms of the PAIA Act to compile a guide in every official language, containing information as may reasonably be required by a person who wishes to exercise any right contemplated in the act, in a manner that is easily understood to any such person. This is yet to be published.

A guide to PAIA is available on <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

Any enquiries regarding the guide should be directed to:

Name: The PAIA Unit: Information and Communications

Postal address: Private Bag X2700, Houghton, 2041

Physical address: South African Human Rights Commission: PAIA Unit

33 Hoofd Street

Braampark Forum III

Braamfontein

Telephone number: 011 484 8300

Fax number: 011 484 1360

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

E-mail address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

There are also provincial SAHRC offices in all provinces.

## 4. Records of DR KJB ROSS

Section 51 of the PAIA Act states:

A requester must be given access to any record held by the State and/or held by a private person or entity if:

- that record is required for the exercise or protection of any right;
- that person complies with the procedural requirements in the act relating to a request for access to that record;
- access to that record is not refused in terms of any ground for refusal contemplated in chapter 4 of the act.

The accessibility of the documents may be subject to grounds for refusal as set out in [part 5](#) of this manual.

Records are broadly classified and grouped according to the following subjects and categories:

### 4.1 Personnel Records

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel; and
- Training schedules and material.

*"Personnel"* refers to any person who works for or provides services to or on behalf of DR KJB ROSS and that receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of DR KJB ROSS and includes, without limitation, all permanent, temporary and part-time staff, as well as contract workers.

### 4.2 Patient / Family / Carer Related Records

- Records provided by a patient, family or carer to the practice;
- Records provided by a patient, family or carer to a third party acting for or on behalf of DR KJB ROSS;
- Records provided by a third party;
- Records generated by or within the practice relating to patients, family or carers.

The terms patient refer to individuals seeking treatment or intending to seek treatment with DR KJB ROSS. The term family refers to any natural entity related to the patient biologically, by marriage or personal association that receives services from or provides input into treatment from DR KJB ROSS, other than a patient.

### **4.3 Practice Records**

These records include, but are not limited to, the records which pertain to DR KJB ROSS' own affairs:

- Financial records;
- Operational records;
- Information technology policies and procedures;
- Marketing and communication records;
- Administrative records;
- Statutory records;
- Internal policies and procedures; and
- Human resource records.

### **4.4 Other Party Records**

DR KJB ROSS may possess records pertaining to other parties including, but not limited to, contractors, suppliers, and service providers and such other parties may possess records that can be said to belong to DR KJB ROSS:

- Personnel, patient, dependant, customer or private body records which are held by another party, as opposed to the records held by DR KJB ROSS itself.
- Records held by DR KJB ROSS pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about contractors/suppliers.

## **5. Grounds for Refusal to Access Records**

DR KJB ROSS may refuse a request for information. The basis on which DR KJB ROSS may refuse a request for information have been detailed (but not limited to) below:

### **A. Mandatory Protection of Privacy of Third Party who is Natural Person**

A request for access to a record may be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

### **B. Mandatory Protection of Commercial Information of Third Party**

A request for access to a record may be refused if the record contains

- Trade secrets of a third party;
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected
  - To put that third party at a disadvantage in contractual or other negotiations; or
  - To prejudice that third party in commercial competition.

### **C. Mandatory Protection of Certain Confidential Information of Third Party**

A request for access to a record may be refused if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

### **D. Mandatory Protection of Safety of Individuals, and Protection of Property**

A request for access to a record may be refused

- If its disclosure could reasonably be expected to endanger the life or physical safety of an individual; or
- If its disclosure would be likely to prejudice or impair
  - The security of
    - A building, structure or system, including, but not limited to, a computer or communication system;
    - A means of transport; or
    - Any other property; or
  - Methods, systems, plans or procedures for the protection of
    - An individual in accordance with a witness protection scheme;
    - The safety of the public, or any part of the public; or
    - The security of property.

### **E. Mandatory Protection of Records Privileged from Production in Legal Proceedings**

A request for access to a record may be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

### **F. Mandatory Protection of Research Information of Third Party, and Protection of Research Information of Private Body**

A request for access to a record may be refused if the record

- Contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose
  - The third party;



- A person that is or will be carrying out the research on behalf of the third party; or ○  
The subject matter of the research, to serious disadvantage.
- Contains information about research being or to be carried out by or on behalf of the 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; or
  - The subject matter of the research, to serious disadvantage.

**H. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.**

## **6. Access to Records held by DR KJB ROSS**

Records held by DR KJB ROSS may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of DR KJB ROSS.

There are two types of requesters:

### **6.1 Personal Requester**

- A personal requester is a requester who is wants to access a record containing personal information about the requester.
- DR KJB ROSS will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **6.2 Other Requester**

This requester (other than a personal requester) is entitled to request access to information on third parties. However, DR KJB ROSS is not obliged to voluntarily grant access. The requester must fulfil the procedural requirements for access in terms of the PAIA Act, including the payment of a request and access fee.

## **7. Request Procedure**

A requester requiring access to information held by DR KJB ROSS, must complete the prescribed form, enclosed herewith as **Annexure A**, submit it to the information officer at the postal or physical address, or electronic mail address recorded in **section 3** of this manual and pay a request fee and a deposit, if applicable (refer **section 8** and **Annexure B** of this manual).

The prescribed form:

- A. Must be completed comprehensively to at least enable the information officer to identify:

- The record(s) requested;
- The identity number of the requester;
- The form of access required, if the request is granted;
- The postal address or fax number of the requester.

B. The requester must also

- State that s/he requires the information in order to exercise or protect a right,
- Clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

DR KJB ROSS will process the request within 30 days, unless the requester has stated special reasons which would satisfy the information officer that circumstances dictating that the above time periods are not complied with.

The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee, before any further processing can take place.

## 7.1 Access to Health Records

If the information officer is of the opinion when dealing with access to health or other records created by Dr KJB Ross or provided by a health practitioner in his or her capacity as such about the physical or mental health, or well-being of the requester; or if the request has been made on behalf of the person to whom the record relates (“relevant person”), that the disclosure of the record to the relevant person might cause serious harm to his or her physical or mental health or well-being, the information officer may, before giving access consult with another health practitioner who, has been nominated by the relevant person.

If the relevant person is

- Incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination or;
- Under the age of 16 years, a person having parental responsibilities for the relevant person must make the nomination.

If, after being given access to the record concerned, Dr KJB Ross or the alternative health practitioner consulted is of the opinion that the disclosure of the record to the relevant person, would be likely to cause serious harm to his or her physical or mental health, or well-being, the information officer may only give access to the record if the requester proves that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the record to limit, alleviate or avoid such harm to the relevant person. Before access to the record is given to the requester, the person responsible for such counselling or arrangements must be given access to the record.

## 7.2 Decision

DR KJB ROSS will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period with which DR KJB ROSS has to decide whether to grant or refuse the request, may be extended for a further period if the request is for a large volume of information, or the request requires a search for information and the information cannot reasonably be obtained within the original 30-day period. The information officer will notify the requester in writing should an extension be required.

## 7.3 Remedies Available when DR KJB ROSS Refuses a Request for Information

The decision made by the information officer is final. Requesters who are dissatisfied with a decision of the information officer will have to exercise external remedies at their disposal.

A requester or a third party, who is dissatisfied with an information officer's refusal to disclose information or the disclosed information, may within 30 days of notification of the decision, apply to the constitutional court, the high court or another court of similar status for relief.

## 8. Fees

The PAIA Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the information officer, the officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request (refer to **Annexure B** of this manual).

The information officer will withhold a record until the requester has paid the fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer will repay the deposit to the requester.

## 9. Reproduction Fees

The relevant reproduction fees are payable for the reproduction and preparation of any record that is excluded from voluntary disclosure. Fees are charged in accordance with the SAHRC fee structure which can be found at [www.sahrc.org.za](http://www.sahrc.org.za)

## ANNEXURE A: PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

### FORMC - REQUEST FOR ACCESS TO RECORDS HELD BY DR KJB ROSS

(IN TERMS OF SECTION 53(1) OF THE PROMOTION OF INFORMATION ACT, NO 2 OF 2000 [REGULATION 10])

#### A. Particulars of Dr KJB Ross

The Information Officer

Dr KJB Ross

Postal and Physical address: Specialist Geriatric and Memory Clinic, Suit 2024, North Wing Suites, Vincent Pallotti Hospital, Alexandra Road, Pinelands, 7405

#### B. Particulars of Person Requesting Access to the Record

- a. *the particulars of the person who requests access to the records must be recorded below.*
- b. *furnish an address and/or fax number in the republic to which information must be sent.*
- c. *proof of the capacity in which the request is made, if applicable, must be attached*

Full names and surname: \_\_\_\_\_  
Identity number: \_\_\_\_\_  
Postal address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

#### 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: \_\_\_\_\_  
Capacity in which request is made, when made on behalf of another person:  
\_\_\_\_\_

#### 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 the record or relevant part of the record:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Reference number, if applicable:  
\_\_\_\_\_

3. Any further particulars of the record:

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## E. Fees

- a. A request for access to a record, other than a 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 of the request fee.
- c. The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

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## F. Form of Access to the 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 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X. Note: a. Your indication as to the required form of access depends on the form in which the record is available. b. Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form. c. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written form:

copy of record*	inspection of record
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2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images	copy the images*	transcription of the images*
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3. If 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)
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4. If record is held on computer or in an electronic or machine-readable form:

printed copy of the record*	printed copy of information derived from the record*	copy in computer readable form* (flash drive or compact disc)
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\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

**Note:** a postal fee is payable.

YES	NO
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**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 requested record is required for the exercising 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 thereof in another manner, please specify 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
**Signature of requester/  
 Person on whose behalf request is made**

FOR INTERNAL USE ONLY		
<b>Reference number</b>	_____	
<b>Request received by</b> <i>(name of Information Officer/Deputy Information Officer)</i>	_____	
<b>Request approved</b>	YES	NO
<b>Declined</b> <i>(if declined) letter sent on</i>	YES	NO
Fees Payable		
Request fee (if any)	_____	
Deposit (if any)	_____	
Access fee	_____	
<b>Total fees payable</b>	_____	
Confirmation of fees paid	_____	

**Signature of Information Officer/Deputy Information Officer** \_\_\_\_\_

## ANNEXURE B: FEES

### COPIES OF PAIA MANUAL

Copies of the Dr KJB Ross PAIA manual are chargeable as per the fee tables below.

#### Reproduction fees

TYPE OF RECORD	FEE
For every photocopy of an A4-size page or part thereof .....	R1.10
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
For a copy in a computer-readable form on:	
A. Flash drive .....	R7.50
B. Compact disc .....	R70.00
A transcription of visual images, for an A4-size page or part thereof .....	R40.00
For a copy of visual images .....	R60.00
A transcription of an audio record, for an A4-size page or part thereof .....	R20.00
For a copy of an audio record .....	R30.00 per hour

#### Request fees

Where a requester submits a legitimate request for access to information held by Dr KJB Ross on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the request will be processed.

#### Access fees

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the PAIA Act or an exclusion is determined by the minister in terms of section 54 (8) of the PAIA Act.

The applicable access fees payable are

TYPE OF RECORD	FEE
For every photocopy of an A4-size page or part thereof .....	R1.10
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
For a copy in a computer-readable form on:	
C. Flash drive .....	R7.50
D. Compact disc .....	R70.00
A transcription of visual images, for an A4-size page or part thereof .....	R40.00
For a copy of visual images .....	R60.00
A transcription of an audio record, for an A4-size page or part thereof .....	R20.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search) .....	R30.00 per hour

Where a copy or a record needs to be posted, the actual postal fee is payable.

## Deposits

Where DR KJB ROSS receives a legitimate request for access to information held on a person other than the requester himself/herself and the Information Officer, upon receipt of the request, is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

**Note:** in terms of regulation 8, value added tax (VAT) must be added to all fees prescribed in terms of the regulations.

***These fees are subject to amendment without notice.***