



PROMOTION OF ACCESS TO INFORMATION

Compiled in terms of Section 51 of the Promotion of Access to Information Act, Act No. 2 of 2000

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# 1. Introduction

Since 1982, MEDITECH South Africa (Pty) Ltd has provided integrated software solutions to healthcare organisations throughout Africa, the Middle East and other regions. The Company operates in the ICT industry and provides installation and support of health information systems.

The Company's MOI (Memorandum of Incorporation) is available from the CIPC (Companies and Intellectual Property Commission). The Company utilises the Special Drafted MOI provided by CIPC; The shareholders and directors entered into a shareholder and /or directors agreements. In terms of the governing documents of the Company – Any one of the directors may enter into a binding agreement with any Third Party.

# 2. Definitions and Interpretations

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- 2.1 **“Access fee”** or **“request fee”** means a fee prescribed in terms of section 54 of PAIA and Part III of the Regulations for the purposes of access and reproduction as per **Annexure 2**.
- 2.2 **“Act”** or **“PAIA”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Regulations regarding the Promotion of Access to Information, published in *Government Gazette* Notice 187 of 15 February 2002, and *Government Gazette* No. 45057 dated 27 August 2021 respectively.
- 2.3 **“Application”** means an Application to a Court in terms of the Act (Section 78).
- 2.4 **“Biometrics”** means a technique of personal identification that is based on physical, physiological or behavioural characterisation, including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
- 2.5 **“Complainant”** means a Requester or a third party.
- 2.6 **“Consent”** means any voluntary, specific and informed expression agreeing to the Processing of Personal Information.
- 2.7 **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
- 2.8 **“Court”** means –
  - 2.8.1 the Constitutional Court acting in terms of section 167(6)(a) of the Constitution; or
  - 2.8.2 a High Court or another Court of similar status; or

- 2.8.3 a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister, by notice in the *Government Gazette*, and presided over by a Magistrate designated in writing by the Minister, after consultation with the Magistrates Commission, within whose area of jurisdiction –
- 2.8.3.1 the decision of the Information Officer or relevant authority of a Public Body or the Head of a Private Body has been taken;
  - 2.8.3.2 the Public Body or Private Body concerned has its principal place of administration or business; or
  - 2.8.3.3 the Requester or Third Party concerned is domiciled or ordinarily resident.
- 2.9 **“Data subject”** means the Person to whom the Personal Information relates, including a Third Party.
- 2.10 **“Guide”** means the Guide contemplated in section 10 of the Act published and made available in terms of Regulation 2 of the Regulations.
- 2.11 **“Information Officer”** of, or in relation to, a –
- 2.11.1 public body, means an information officer or deputy information officer as contemplated in terms of section 1 or 17 of POPIA; or
  - 2.11.2 private body, means the head of a private body as contemplated in section 1 of PAIA;
- 2.12 **“In writing”** includes in the form of a data message and accessible in a manner usable for subsequent reference, as contemplated in section 12 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).
- 2.13 **“Information Regulator”** means the Information Regulator established in terms of Section 39 of POPIA.
- 2.14 **“Manual”** means this Manual, compiled and published in terms of Section 51 of the Act and Regulation 9, also referred to as the Information Manual.
- 2.15 **“Official”** means any Person who works for or provides services to or on behalf of the Company, whether permanently or temporarily, full time or part time, and who receives or is entitled to receive any remuneration or payment. This includes, without limitation, directors (both executive and non-executive) and all permanent, temporary and part-time staff, contract workers as well as the Head of the Private Body as defined in the Act.
- 2.16 **“PAIA”** means the **“Act”**.
- 2.17 **“Person”** means a natural Person or a juristic Person.
- 2.18 **“Personal Information”** means information relating to an identifiable, living, natural person and,

where applicable, an identifiable, existing juristic person, including, but not limited to —

- 2.18.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - 2.18.2 information relating to the education or the medical, financial, criminal or employment history of the person;
  - 2.18.3 any identification number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 2.18.4 the biometric information of the person;
  - 2.18.5 the personal opinions, views or preferences of the person;
  - 2.18.6 correspondence sent by the person which is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence;
  - 2.18.7 the views or opinions of another individual about the person; and
  - 2.18.8 the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.19 **“Personal Requester”** means a Requester seeking access to a Record containing Personal Information about the Requester himself/herself.
- 2.20 **“POAJA”** means the Promotion of Administrative Justice Act (Act No.3 of 2000) as amended.
- 2.21 **“POPI” or “POPIA”** means the Protection of Personal Information Act (Act No. 4 of 2013).
- 2.22 **“Prescribed Form”** means any of the forms prescribed by the Act and the Regulations respectively.
- 2.23 **“Private Body”** means –
- 2.23.1 a natural Person who conducts or has conducted on any trade, business or profession, but only in such capacity;
  - 2.23.2 a partnership which conducts or has conducted any trade, business or profession; or
  - 2.23.3 any former or existing juristic Person but excluding a Public Body.

- 2.24 **“Processing”** means any operational activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 2.24.1 the collection, receipt, recording, storage, updating or modification, retrieval; or
  - 2.24.2 dissemination by means of transmission, distribution or disclosure in any other form; or
  - 2.24.3 merging, linking as well as restriction, erasure or destruction of information.
- 2.25 **“Public Body”** means –
- 2.25.1 any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
  - 2.25.2 any other functionary or institution when
    - 2.25.2.1 exercising a power or performing a duty in terms of the Constitution or a provincial Constitution; or
    - 2.25.2.2 exercising a public power or performing a public function in terms of any legislation.
- 2.26 **“Record”** means any recorded information, regardless of form or medium, including written, electronic information, label, marketing, image, film, map, graph, drawing or tape which is in the possession or under the control of the Company, irrespective of whether it was created by the Company and regardless of when it came into existence.
- 2.27 **“Regulations”** means the Regulations relating to the Promotion of Access to Information, 2021 published in Government Gazette No. 45057 dated 07 August 2021.
- 2.28 **“Request”** means a request for access to a Record or information of the Company.
- 2.29 **“Requester”** means any Person, including a Public Body or an Official thereof, making a Request for access to a Record of the Company, including any Person acting on behalf of that Person or a “Complainant”.
- 2.30 **“SAHRC”** means the South African Human Rights Commission.
- 2.31 **“Signature”** means a signature contemplated in section 13 of the Electronic Communications and Transactions Act, 2002.
- 2.32 **“The Company”** means **MEDICAL INFORMATION TECHNOLOGY SA (PTY) LTD**, a private company (**reg. no. 2003/018259/07**) incorporated in the Republic of South Africa.
- 2.33 **“Third Party”**, in relation to a Request for access, means any Person, excluding the Company or a

Personal Requester.

- 2.34 In this Manual **paragraph headings** are for convenience only and are not to be used in its interpretation.
- 2.35 An **expression** which denotes –
- 2.35.1 any gender, includes the other gender;
  - 2.35.2 the singular, includes the plural and *vice versa*; and
  - 2.35.3 an Official includes a reference to that Official's successors in title and assignees allowed in law.
- 2.36 Any reference in this Manual to –
- 2.36.1 "**business hours**" shall be construed as being the hours between 08h30 and 17h00 on any business day. Any reference to time shall be based upon South African Standard Time;
  - 2.36.2 "**days**" shall be construed as calendar days unless qualified by the word "business", in which instance a "**business day**" and "**working days**" shall be any day other than a Saturday, Sunday or public holiday as gazetted by the government of the Republic of South Africa from time to time;
  - 2.36.3 "**law**" means any law of general application and includes common law and any statute, constitution, decree, treaty, regulation, directive, ordinance, by-law, order or any other enactment of legislative measure of government (including local and provincial government) or statutory or regulatory body which has the force of law;
  - 2.36.4 "**person**" apart from the statutory definition shall also in the normal sense mean any Person, Company, Close Corporation, Trust, Partnership or other Entity, whether or not having separate legal personality; and
  - 2.36.5 "**writing**" means legible writing, in English, including any form of electronic communication contemplated in the Electronic Communications and Transactions Act, Act No. 25 of 2002.
- 2.37 The words "**include**" and "**including**" mean "include without limitation" and "including without limitation". The use of the words "include" and "including" followed by a specific example or examples shall not be construed as limiting the meaning of the general wording preceding it.
- 2.38 The words "**will**" and "**must**" used in the context of any obligation or restriction imposed on a Person have the same meaning as the word "**shall**".
- 2.39 Any substantive provision, conferring **rights** or **imposing obligations** on a Person and appearing

in any of the definitions in paragraph 1 or elsewhere in this Manual, shall be given effect to as if it were a substantive provision in the body of the Manual.

- 2.40 **Words and expressions** defined in any paragraph shall, unless the application of any such word or expression is specifically limited to that paragraph, bear the meaning assigned to such word or expression throughout this Manual.
- 2.41 Unless otherwise provided, defined terms appearing in this Manual **in title case** shall be given their meaning as defined, while the same terms appearing in lower case shall be interpreted in accordance with their plain English meaning.
- 2.42 A reference to any **statutory enactment** shall be construed as a reference to that enactment as at the Signature Date, and as amended or substituted from time to time.
- 2.43 Any reference in this Manual to "**this Manual**" or in any other agreement or document shall be construed as a reference to this Manual.
- 2.44 Unless specifically otherwise provided, any **number of days** prescribed shall be determined by excluding the first and including the last day or, where the last day falls on a day that is not a business day, the next succeeding business day.
- 2.45 If the due date for performance of any obligation in terms of this Manual is a day which is not a business day, then (unless otherwise stipulated) the due date for performance of the relevant obligation shall be the immediately preceding business day.
- 2.46 Where **figures** are referred to in **numerals** and in **words**, and there is any conflict between the two, the words shall prevail, unless the context indicates a contrary intention.
- 2.47 The use of any expression in this Manual covering a **process** available under South African law shall be construed as including any equivalent or analogous proceedings under the law of any other jurisdiction.
- 2.48 In this Manual the words "**paragraph**", "**schedule**", "**annexure**" or "**appendix**" refer to a paragraph, schedule, annexure or an appendix to this Manual.

### 3. Purpose of the PAIA Manual

Section 32 of the Constitution provides for the right of access to information held by another Person when that information is required for the exercise or protection of any right. To give effect to this Constitutional right, the Promotion of Access to Information Act (PAIA) was enacted by Parliament in 2000 and regulations promulgated by the Minister of Justice in 2001. As no right is absolute, the right of access to information held by a Public or Private Body may be limited to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom. POPIA, on the other hand, explicitly protects Personal Information. Consideration of access to information is a process of balancing rights.

Other legislation has also impacted on the flow of information and the restriction applicable in this regard.

The Company not only wishes to comply with this legislation but also wishes to promote an internal culture and business environment compatible with these values and principles. **This Manual** provides for procedures and policies to enhance access to information held by the Company and matters connected therewith. The policies and procedures are designed to:

- expedite any Request for access
- provide clarity regarding the Officials to be approached in this regard
- set a standard for consideration of Requests for access
- align all internal policies to information compliance in general
- ensure that mandatory protection of information provided by PAIA is complied with in conjunction with the peremptory provisions of POPIA to protect Personal Information.

**This Manual** is not an isolated or stand-alone document. The Company endeavours to align all commercial and internal Records and policies to be fully information compliant. The Manual will refer to such policies where applicable and guide any Requester through the internal processes of the Company.

The aim of **this Manual** is to deal with Requests for access to information and Records in the most cost-effective and efficient way, with due consideration of the rights of the Requester, the Company and any Third Party.

The Information Regulator has compiled a Guide to the Act to assist members of the public as well as private and Public Bodies to access information and Records more effectively. This Guide can be obtained from the Information Officer.



## 4. Group Structures and Connected Companies

The Company is part of a holding / subsidiary structure or any associated companies via cross directorship or shareholding at this point in time.

In the event of a holding / subsidiary relationship or an association via cross directorship or shareholding in the future, the procedure provided for in this Manual may be used to access information of those connected or related entities. The designated officials as per paragraph 4.1.1 would guide the Requester in this regard.

### 4.1. Contact Details and General Information

All requests for access to records in terms of the Promotion of Access to Information Act (PAIA Act) from MEDITECH must be in writing and must be addressed to the Information Officer designated by the Managing Director as information officer to receive requests, using the contact details below:

#### 4.1.1 Duly authorised persons:

Information Officer	Ronelle Colyn <a href="mailto:rcolyn@MEDITECH-Int-Services.com">rcolyn@MEDITECH-Int-Services.com</a> +27 011 805 1631
Deputy Information Officers	Tumi Tshabalala <a href="mailto:ttshabalala@MEDITECH.co.za">ttshabalala@MEDITECH.co.za</a> +27 011 805 1631  Tshulana Mawelele <a href="mailto:tmawelele@MEDITECH.co.za">tmawelele@MEDITECH.co.za</a> +27 011 805 1631
Head of Company	Dr. Sushanth Pillai Managing Director +27 011 805 1631 <a href="mailto:spillai@MEDITECH.co.za">spillai@MEDITECH.co.za</a>

#### 4.1.2 Addresses:

The Head office of the Company is located at:

- a) Main Business Premise : MEDITECH South Africa  
Thandanani Office Park

Cr Invicta and Matuka Close  
Midrand

b) Postal Address : P.O Box 1940,  
Halfway House  
1685

Telephone Number : +27 11 805 1631

Fax Number : +27 11 805 1624

Email Address: info@MEDITECH.co.za

Website Address : [www.ehr.MEDITECH.com/global/MEDITECH-south-africa](http://www.ehr.MEDITECH.com/global/MEDITECH-south-africa)

Only the details required in relation to this Manual are provided.

#### **4.1.3 Nature of Business**

The Company provides integrated software solutions to the healthcare systems throughout Africa, the Middle East and other regions affiliated to clients. In order to understand the management of information, trade secrets and other information that the Company needs to protect, a more comprehensive list of business activities is provided. The Company must be affiliated with the following controlling/ regulatory/ statutory bodies:

- Media, Information and Communication Technologies SETA (MICT SETA).

#### **4.1.4 Is the Information Officer also appointed as such officer in terms of POPIA? YES**

Is the Information Officer also the designated appointee in terms of Consumer Protection Act?

**NO**

#### **4.1.5 Directors**

Alan Carl Stockigt

John David Tresling

Charlotte Laura Jackson

Geoffrey Yarwood

Boitumele Tshwarelo Tshabalala

## 5. The Promotion of Access to Information Act

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any Constitutional Rights. The Act sets out the procedures attached to such a request, the requirements which a requester must meet, as well as the grounds for refusal or partial refusal of such request. If a public body lodges a request, the public body must be acting in the public interest.

MEDITECH has compiled this manual in order to inform requesters of the procedure to be followed when requesting records, ensuring the protection of any rights, and inform the request or of any other requirements which they must meet, as prescribed by the Act, when requesting records.

### 5.1. Applicable Legislation

Apart from POPIA and PAIA, the following legislation also applies to the Company in respect of the protection of Personal Information and Records:

- 5.1.1 Auditing Professions Act 26 of 2005
- 5.1.2 Basic Conditions of Employment Act 75 of 1997
- 5.1.3 Broad Based Black Economic Empowerment Act 2003 and amendment Act of 2013 & BBBEE Codes
- 5.1.4 Companies Act 71 of 2008
- 5.1.5 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- 5.1.6 Consumer Protection Act 68 of 2008
- 5.1.7 Electronic Communications and Transaction Act 25 of 2002
- 5.1.8 Employment Equity Act 55 of 1998
- 5.1.9 Income Tax Act 58 of 1962
- 5.1.10 Labour Relations Act 66 of 1995
- 5.1.11 National Credit Act 34 of 2005
- 5.1.12 National Environmental Management Act 107 of 1998
- 5.1.13 Occupational Health & Safety Act 85 of 1993
- 5.1.14 Pension Funds Act 24 of 1956
- 5.1.15 Prevention of Organised Crime Act 121 of 1998
- 5.1.16 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 5.1.17 Skills Development Act 97 of 1998
- 5.1.18 Skills Development Levies Act 9 of 1999
- 5.1.19 South African Qualifications Authority Act 67 of 2008

5.1.20 Unemployment Contributions Act 4 of 2002

5.1.21 Unemployment Insurance Act 30 of 1996

5.1.22 Value Added Tax Act 89 of 1991

## 5.2. Categories of Records

Records are categorised and sub-divided into the following categories:

5.2.1 Those that are voluntarily disclosed and automatically available to the public by a private body;

5.2.2 personnel records;

5.2.3 client related records;

5.2.4 MEDITECH'S internal records;

5.2.5 and other party records.

<b>Information Category</b>	<b>Examples (not exhaustive)</b>
Voluntary Disclosed and Automatically Available Records This category of records are automatically available without a person being required to request access in terms of the Act. Such records are available on MEDITECH website, for example:	a) Public product information b) PAIA Manual c) Public Corporate Records d) Media Releases
Personnel Records (Not Automatically Available)	a) Personal records provided by personnel. b) Records acquired from a third party relating to personnel, c) Employment contracts relating to personnel, d) Internal performance records of personnel, d) Training schedules and materials.
Client Related Records (Not Automatically Available)	a) Personal Records provided by a client to MEDITECH for transactional purposes, b) Records provided by a third party, c) Records generated by MEDITECH within MEDITECH, Head Office systems and its Branches, relating to the client, including transactional records.

MEDITECH Internal Records ( Not Automatically Available)	<ul style="list-style-type: none"> <li>a) Financial Records</li> <li>b) Operational Records</li> <li>c) Databases and internal systems Records</li> <li>d) Information Technology Records</li> <li>e) Product Records</li> <li>f) Statutory Records</li> <li>g) Internal policies and procedures Records</li> <li>h) Treasury related Records</li> <li>i) Service providers Records.</li> </ul>
Other Party Records ( Not Automatically Available)	<ul style="list-style-type: none"> <li>a) Records held by MEDITECH pertaining to other parties, including but not limited to, financial records, correspondence, contractual records, records provided by another party or records of third parties in relation to contractors or suppliers.</li> <li>b) Personnel or client records held by a third party, on behalf of MEDITECH.</li> </ul>

### 5.3. Request Procedure

All requests for records made by a requester must comply with the guidelines set out below, which have been set out in line with requirements of the PAIA Act, relating to the request for records:

5.3.1 The requester must complete the prescribed form enclosed herein (Form C- Annexure A) and submit the same with the prescribed fee for requesting records, if applicable, to the MEDITECH Legal and Standards and Compliance Department [popia@MEDITECH.co.za](mailto:popia@MEDITECH.co.za)

5.3.2 The request must be addressed to the MEDITECH Standards and Compliance Department as the Designated Information Officer.

5.3.3 The prescribed form must be completed in detail in order to allow the Information Officer to identify:

- a. The record (s) requested;
- b. The identity of the requester;
- c. The form of access as required;
- d. The contact details of the requester; and
- 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.

5.3.4 Access to records will only be considered once the full payment of the prescribed fee has been received from the requester, thereafter, MEDITECH will respond to the request for records within 30 days.

## 6. Grounds for Refusal of Access to Records

- 6.1. MEDITECH Has a legal right to refuse access to records which a requester has requested on the following grounds:
- 6.1.1 Mandatory protection of privacy of a third party, who is natural person, if the disclosure of a record would involve the unreasonable disclosure of personal information about the third party, including a deceased individual;
  - 6.1.2 Mandatory protection of commercial information of a third party, if the request includes trade secrets, information supplied in confidence by the third party and financial, commercial, scientific or technical information of the third party, which the disclosure thereof would cause harm to the commercial or financial interest of that third party;
  - 6.1.3 Mandatory protection of certain confidential information of a third party, which if it is disclosed would constitute an action for breach of duty of confidence owed to the third party in terms of an agreement;
  - 6.1.4 Mandatory protection of safety of individuals, and protection of property where the disclosure could be reasonably expected to endanger the life or physical safety of an individual;
  - 6.1.5 Commercial information of MEDITECH;
  - 6.1.6 Mandatory protection of records privileged from production in legal proceedings; and
  - 6.1.7 Mandatory protection of research information of a third party, and protection of research information of MEDITECH.

### 6.2 Availability of this Manual

- 6.2.1 This Manual shall be available:
- 6.2.1.1 On the Company's website, ([https://ehr.MEDITECH.com/global/MEDITECH-south africa](https://ehr.MEDITECH.com/global/MEDITECH-south%20africa)) or a copy can be requested from the Information Officer at [popia@MEDITECH.co.za](mailto:popia@MEDITECH.co.za).
  - 6.2.1.2 More information can be found from the information regulator website <https://justice.gov.za/inforeg/index.html>

### 6.3 Prescribed Fees

The Information Officer to whom a Request is made must by notice require the Requester to pay the prescribed fee (if any) before further processing the Request. The prescribed fees are provided below and are amended from time to time in terms of the Regulations. The payment of fees shall not be applicable to a personal Requester.

If the search for a Record of the Company in respect of which a Request for access by a Requester other than a Personal Requester, has been made, and the preparation of the Record for disclosure, in the opinion of the Information Officer concerned, would require more than the 6 (six) hours prescribed in the Regulations for this purpose, the Information Officer shall by notice require the Requester, other

than a Personal Requester, to pay a deposit which shall not be more than one third of the Access fee that would be payable if the Request is granted.

The notice referred to above must state –

6.3.1 the amount of the deposit payable;

6.3.2 that the Requester may lodge an application with a Court against the tender or payment of the Access fee in terms of the process, or tender or payment of a deposit in terms of the process.

If a deposit has been paid in respect of a Request for access which is refused, the Information Officer concerned must repay the deposit to the Requester.

The Information Officer may withhold a Record until the Requester concerned has paid the applicable fees (if any).

A Requester whose Request for access to a Record has been granted must pay an Access fee for reproduction and for search and preparation, respectively, and for any time reasonably required in excess of the prescribed hours to search for and prepare (including making any arrangements) the Record for disclosure.

The charging of fees shall always be subject to the determination and exclusion of certain categories of persons as determined by the Minister or any other *Government Gazette* notice regulating fees and reproduction for specific professions.

**FEES FOR RECORDS OF PRIVATE BODY (COMPANY)**

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
Item	Description	Amount
4.	For a copy in a computer-readable form on:	R40.00
	(iii) Flash drive (to be provided by requestor)	R40.00
	(iv) Compact disc	R60.00
	· If provided by requestor	
	· If provided to the requestor	
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00

8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc · If provided by requestor · If provided to the requestor	R40.00  R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00  R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

#### **FEES FOR RECORDS OF PUBLIC BODIES**

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc · If provided by requestor · If provided to the requestor	R40.00  R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc · If provided by requestor · If provided to the requestor	R40.00  R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00  R300.00



	To not exceed a total cost of	
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 9.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

## 7. Protection of Personal Information that is processed

- 7.1. The Protection of Personal Information Act (POPIA) provides for the minimum conditions for lawful processing of personal information by a responsible party. These conditions may not be derogated unless specific exclusions apply as outlined in POPIA.
- 7.2. MEDITECH collects personal information from both individual and juristic persons in order to carry out its business and operational functions. The manner in which this information is processed and the purpose for which it is processed is determined by MEDITECH and governed by the protection of personal information policy and manual.
- 7.3. MEDITECH is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject is protected:
- 7.3.1 Is processed lawfully, fairly and transparently;
  - 7.3.2 is processed only for the purposes for which it was collected;
  - 7.3.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
  - 7.3.4 Is adequate, relevant and not excessive for the purposes for which it was collected;
  - 7.3.5 Is accurate and kept up to date;
  - 7.3.6 Will not be retained for longer than necessary;
  - 7.3.7 is processed in accordance with integrity and confidentiality principles;
  - 7.3.8 Is stored or processed securely and is protected against unauthorised access;
  - 7.3.9 Is processed in accordance with the rights of Data Subjects, where applicable.
- 7.4. Data subjects have the right to:
- 7.4.1 be notified that their personal information is being collected by MEDITECH;
  - 7.4.2 be notified in the event of a data breach;
  - 7.4.3 know whether MEDITECH holds personal information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this manual;
  - 7.4.4 request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information; (Form 1)

- 7.4.5 object to MEDITECH use of their personal information and request the deletion of such personal information (deletion would be subject to MEDITECH record keeping requirements); (Form 1)
- 7.4.6 object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; (Form 2)
- 7.4.7 complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.

## **7.5. Rights of the Data Subject**

- 7.5.1 Objection to the Processing of Personal Information by a Data Subject
  - 7.5.1.1 Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a data subject may, at any time object to the processing of his/her/its personal Information subject to exceptions contained in POPIA.. The data subject may use Form C to request this.
  - 7.5.1.2 Request for correction or deletion of Personal Information
  - 7.5.1.3 Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a data subject may request for their personal information to be corrected/delete
  - 7.5.1.6 The data subject may use Form C to request the correction or deletion of their personal information.

## **7.6. Cross-border Transfer of Personal Information**

- 7.6.1 MEDITECH shall not transfer the personal information of a data subject to a third party who is in a foreign country unless:
  - 7.6.1.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that; effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and ii. includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country; For information transfers to overseas branches, the department responsible for the transfer of the information shall contact the Information Officer or the Standards and Compliance Department for approval of the transfer prior to the information being transferred cross border;
  - 7.6.1.2 the data subject consents to the transfer;
  - 7.6.1.3 the transfer is necessary for the performance of a contract between the data subject and MEDITECH, or for the implementation of pre-contractual measures taken in response to the data subject's request;

7.6.1.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between MEDITECH and a third party; or

7.6.1.5 the transfer is for the benefit of the data subject, and -

a) It is not reasonably practicable to obtain the consent of the data subject to that transfer; and

b) if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

Currently, MEDITECH transfers some client and employee information to MEDITECH Head Office where the information is securely stored in various data centres at MEDITECH.

## **8. Process for requesting access to a record**

8.1. A requester must be granted access to a record of a private body if he/she complies with the procedural requirements in the Act and the access to the requested record is not refused on any of the grounds of refusal mentioned in the Act.

8.2. Any request for access to a record that is not automatically available must be submitted by completing and submitting the Access Request Form (Form C) to the Information Officer of MEDITECH.

8.3. Any such request (excluding a personal requester) must be accompanied by proof of payment of the initial non-refundable request fee in the amount of R( we need to stipulate the amount ) as amended from time to time in term of the Regulations.

8.4. If a request for access is granted the requester will be required to pay the reproduction or access fees,calculated in accordance with the regulations issued in terms of the Promotion to Access to Information Act, and requester will be informed of the form in which access will be granted and will also be provided with the notice that the requester may lodge an appeal with the CEO and if not satisfied, lodge an application with a court against the payment of the access fee and the procedure for lodging the application.

8.5. If the request for access has not been granted, the requester will be informed of the reasons for such refusal and will also be informed that he/she may lodge an application with a court against the refusal of the request as well as the procedure.

8.6. Requestors will be notified within 30 days of receipt of the completed Access request Form whether their application was or not, except if the period has been extended in terms of the Act granted.

8.7. All payments must be made into the bank account of MEDITECH, the details of which can be requested from the Information Officer.

## 9. Records that are not automatically available

Description of Records that are not Automatically Available and for which may be Applied in terms of the Promotion of access to Information Act

- 9.1. Minutes of meetings
- 9.2. Employee Employment Records
- 9.3. Contracts, service level Agreements and other Contracts
- 9.4. Bid Documents and other supply chain documents
- 9.5. Internal Submissions, circulars and documents
- 9.6. All registers (ie; assets, loss and visitor access control)
- 9.7. Public Hospital licence applications.

## 10. Records that are lost and cannot be found or do not exist

- 10.1 In the event that all reasonable steps have been taken to find a Record requested; and there are reasonable grounds for believing that the Record is in the Private Body's possession but cannot be found; or does not exist:
  - 10.1.1 The Official must, by way of affidavit or affirmation, notify the Requester that it is not possible to give access to that Record.
  - 10.1.2 The affidavit or affirmation must give a full account of all steps taken to find the Record in question or to determine whether the Record exists, as the case may be, including all communications with every Person who conducted the search on behalf of the Official.

## 11. Classification and categories and of sensitive and protected records

- 11.1 The following categories of Records are by virtue of their sensitivity protected by the Act and POPI. Special rules apply and various other laws also apply to these Records. For expediency and clarity, these Records are categorised under two main groups, namely those related to natural people and those related to Private Bodies:
  - 11.1.1 Natural People
    - a) Personal Information in general
    - b) Special Personal Information.
    - c) Information of Children
  - 11.1.2 Private Bodies
    - a) Research

- b) Sensitive commercial Records relating to trade secrets, etc.
- c) Sensitive commercial Records relating to trade secrets, etc. of other Private Bodies (Third Parties or Data Subjects)
- d) Records relating to the safety of individuals and protection of property
- e) Information protected subject to an obligation of confidentiality by virtue of office, employment, profession and privileged information or by agreement.

# Annexure A

## FORM 2

### REQUEST FOR ACCESS TO RECORD [Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer


(Address)

E-mail address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Mark with an "X"

Request is made in my own name  Request is made on behalf of another person.

**PERSONAL INFORMATION**

Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			

Postal Address	
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Street Address	
----------------	--

E-mail Address	
----------------	--

Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

**PARTICULARS OF RECORD REQUESTED**

*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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	

Reference number, if available	
--------------------------------	--

Any further particulars of record	

**TYPE OF RECORD**  
*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in	

sound	
Record is held on a computer or in an electronic, or machine-readable form	

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	



**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

**FEES**

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

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***Signature of Information Officer***

# Annexure B

## FORM 3

### OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

Note:

1. *If your request is granted the—  
(a) amount of the deposit, (if any), is payable before your request is processed; and  
(b) requested record/portion of the record will only be released once proof of full payment is received.*
2. *Please use the reference number hereunder in all future correspondence.*

Reference number: \_\_\_\_\_

**TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i> is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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**OR**

**2. You requested:**

Printed copies of the information <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of information on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of information on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

### 3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

### 4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: (i) Flash drive · To be provided by requestor (ii) Compact disc · If provided by requestor · If provided to the requestor	R40.00  R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per	R24.00		

A4-size			
Copy of an audio record (i) Flash drive • To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00  R40.00 R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_

Name of account holder: \_\_\_\_\_

Type of account: \_\_\_\_\_

Account number: \_\_\_\_\_

Branch Code: \_\_\_\_\_

Reference Nr: \_\_\_\_\_

Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Information officer