



## PAIA Manual

Safety • Patient-Centredness • Continuous Improvement • Teamwork



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## **NURTURE ILEMBE (PTY) LTD**

### **1. INFORMATION MANUAL**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000

### **2. THE PRACTICE**

Nurture Ilembe (Pty) Ltd registration number (2018/488187/07) t/a Nurture Ilembe Wellness Centre is a private company providing medical services to patients in need of physical rehabilitation and who treat South African as well as international patients who have been physically injured. By providing these services, Nurture Ilembe is able to create an environment in which these medical conditions can be treated in an effort to restore the patient's health, dignity and wellness. Because the company delivers medical treatment and holds information of current and former clients in accordance with the requirements of the Health Professionals Act of 1974, the Company is also bound to comply with several ethical rules as set out by the Health Professionals Council of South Africa (HPCSA), in particular the duty to preserve patient confidentiality, unless legislation or a court order compels it to act otherwise.

### **3. PURPOSE OF THE MANUAL**

This manual is intended to foster a culture of transparency and accountability by giving effect to the right to information held by a private body that is required for the exercise or protection of any right, and actively promoting a society in which the people of South Africa have access to information to enable them to exercise and protect their rights.

Section 9 of the Act, recognizes that justifiable limitations of the right to access may be permitted. Such justifiable limitations include but are not limited to:

- Reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance.



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#### 4. REQUEST FOR INFORMATION

Any person who requests information should do so in accordance with, and in the formats prescribed by, the Act. Refer attachment (The Prescribed Form). It should be noted that commercial information and financial information may be withheld on the ground's of sections 63-70 of the Act.

**Fees** A request for access to a record, other than a record containing proprietary information, will be processed only after a request fee has been paid. Applicants will be notified of the amount of the request fee. 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.

#### 5. PRACTICE DETAILS (Section 51(1)(A))

Full Name of practice:	Nurture Ilembe (Pty) Ltd
Trading name:	Nurture Ilembe Wellness Centre
Company Registration Number:	2018/488187/07
Auditors:	Mazars, Port Elizabeth.
Postal Address (Administration):	PO Box 285, Port Elizabeth, 6000
Registered Address:	30 Bird street, Port Elizabeth, 6001
Managing director:	Dr RDD Campbell
Designated Information Officer:	Dirk J Malan
Telephone Number:	051 – 412 3300
Cellphone Number:	082 2991086
Email address:	<a href="mailto:dirkm@havenhealth.net">dirkm@havenhealth.net</a>
Website:	<a href="https://nurturehealth.net/ballito/">https://nurturehealth.net/ballito/</a>

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**6. INFORMATION ON FORM OF COMPANY**

The entity is a registered private company.

**7. LEGISLATION AVAILABLE TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1)(D))**

Companies Act 71 of 2008

- (a) All documents of incorporation are lodged at the offices of the Companies and Intellectual Property Commission (CIPC) and may be inspected there. The documents include the memorandum of incorporation as well as the relevant forms.
- (b) The register of members and register of transfer (of members) are available for inspection at the registered office of the company.
- (c) Special resolutions are lodged with the CIPC and are therefore available for inspection there.
- (d) A register of the directors' is kept at the registered office of the auditors of the company and is available for inspection.

**8. EMPLOYMENT RECORDS**

Employees' names and occupations; Time worked by each employee; Remuneration paid to each employee; Salaries and wages register; Disciplinary proceedings, Arbitration awards and CCMA cases; Employment Equity Plans, Skills Development Plans and training records; Staff records; Expense claims; IRP5's and Tax information pertaining to the employment of employees; Employee contracts; Performance management records; Incentive schemes; Conditions of Employment and Policies; Group personal accident; Group life; Locum agreements and locum records.



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9. **DESCRIPTION OF RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1)(D))**

Companies Act 71 of 2008

Basic Conditions of Employment No. 75 of 1997

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993 Currency and Exchanges Act No. 9 of 1933

Debtor Collectors Act No. 114 of 1998 Employment Equity Act No.

55 of 1998 Harmful Business Practices Act No. 23 of 1999 Income

Tax Act No. 95 of 1967

Labour Relations Act No. 66 of 1995 Medical Schemes Act No.

131 of 1998

Medicines and Related Substances Control Act of 1965 Occupational

Health & Safety Act No. 85 of 1993 Pension Funds Act No. 24 of 1956

Regional Services Councils Act No. 109 of 1985 Short Term Insurance

Act No. 53 of 1998

Skills Development Levies Act No. 9 of 1999 Skills Development

Act No. 97 of 1998 Unemployment Contributions Act No. 4 of

2002 Unemployment Insurance Act No. 63 of 2001 Value Added

Tax Act No. 89 of 1991

Old Persons Act, Act 13 of 2006

Income Tax Act 58 of 1962

National Health Act 61 of 2003

Trade Marks Act 194 of 1993

Any other health legislation not noted above



## **10. PROCEDURE OF HOW RECORDS CAN BE OBTAINED (MANNER OF ACCESS) – (SECTION 51(1)(E))**

The requester must comply with all the procedural requirements as set out in the Act relating to the request for access to a record.

The requester must complete the prescribed form to make the request and submit same as well as payment of a request fee and a deposit (if applicable), to the Information Officer at the postal, physical address, fax number or electronic mail address as noted in the Attachment (The Prescribed Form, Form “C”)

## **11. PRESCRIBED FEES - (CHAPTER 3 SECTION 54)**

The Act provides for two types of fees, namely:

- i) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- ii) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the body in obtaining and preparing a record for delivery to the requester.

When a request is received by the Information Officer, such officer shall by notice require the requester to pay the prescribed request fee, before further processing of the request. (s54(1)). Fees are set out in the Attachment (Fee Structure)

## **12. INFORMATION OR RECORDS NOT FOUND**

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

The affidavit or affirmation shall provide full details of all the steps taken to find the record or to determine its existence, including details of all communications by the Information Officer with every person who



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conducted the search.

This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access.

The attention of the requester is drawn to the provisions of Chapter 4; Part 3 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

### **13. INFORMATION REQUESTED ABOUT A THIRD PARTY**

Chapter 5; Part 3 of the Act specifies the procedure regarding a request for information or records about a third party

In considering such a request, the company will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him that he may make written or oral representations to the Information Officer why the request should be refused, or give written consent for the disclosure of the record.

### **14. GROUND FOR REFUSAL OF A REQUEST**

A private body is entitled to refuse a request for information on the following grounds: Section 63 provides for the mandatory protection of the privacy of a third party who is a natural person, including a deceased person which would involve the unreasonable disclosure of personal information of that natural person. Section 64 provides for the mandatory protection of the commercial information of a third party, if the record contains:

- trade secrets of that third party
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- information disclosed in confidence by a third party to the private body, if such disclosure could



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put that third party at a disadvantage in negotiations or commercial competition;

Section 65 provides for the mandatory protection of confidential information of third parties if such disclosure would constitute a breach of a duty of confidence owed to such third party in terms of any agreement;

Section 66 provides for the mandatory protection of the safety of individuals and the protection of property;

Section 67 provides for the mandatory protection of records, which would be regarded as privileged in legal proceedings;

Section 68 provides for protection of the commercial activities of a private body, which may include:

- any intellectual property which the company might own and which is protected by copyright
- trade secrets
- financial, commercial, scientific or technical information, which disclosure could likely cause harm to a party's financial or commercial interests
- information which, if disclosed, could put us at a disadvantage in negotiations or commercial competition;

Section 69 provides for the protection of research information or that of a third party, if its disclosure would place the Company, the third party or the subject matter of the research at a serious disadvantage.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

## **15. REMEDIES AVAILABLE**

### **Internal Remedies**

The company does not have internal appeal procedures. The decision by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response of the Information Officer





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### **External Remedies**

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to Court for appropriate relief. A third party who is dissatisfied with an Information Officers decision to disclose information may within 30 days apply to a court for appropriate relief. The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Court, and which is presided over by a designated magistrate.

### **16. UPDATING OF THE MANUAL**

The Company will update this manual at such intervals as may be deemed necessary.



## **ANNEXURE A - Fee Structure**

### **Reproduction Fees**

The applicable fees for reproduction as referred: The cost to access, reproduce, search for and/or prepare any of the abovementioned records, unless otherwise agreed, is:

For every A4 sized photocopy of a page or part thereof.	R1.10
For every printed copy of an A4 sized 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 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
For 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

### **Request Fees**

Where a requester submits for access to information held by ourselves on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before. The Company will further process the request received.

### **Access fee**

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 especially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8)

For every A4 sized photocopy of a page or part thereof.	R1.10
For every printed copy of an A4 sized 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 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
For 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



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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 s54(2) of the Act, the following applies:

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

Please note: all fees are exclusive of Value Added Tax (VAT)



FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**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 record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of 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 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:

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**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**F. Form of access to 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 <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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 a 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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage 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:

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

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**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 in another manner, please specify the manner 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?

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Signed at ..... this day ..... of ..... year .....

.....  
SIGNATURE OF REQUESTER/  
PERSON ON WHOSE BEHALF REQUEST IS MADE