Marinet du Toit
C. (084) 549 2981
E. dutoitmarinet@gmail.com

Dial a Physio® Hermanus
Hermanus Medical Village, C/O de Goede & Church Street
Practice number: PR0455970

MANUAL ON ACCESS TO INFORMATION HELD BY

MARINET DU TOIT ta DIAL A PHYSIO (PTY) LTD

Prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") (as amended) and in compliance with the requirements of the Protection of Personal Information Act, No.4 2013 ("POPIA").

DATE OF COMPILATION: 01 July 2021
DATE OF REVISION: 01 July 2021

Room 29, Hermanus Medical Village, Cnr De Goede and Church street, Hermanus, 7200, Western Cape

1. INTRODUCTION

1.1. The Promotion of Access to Information Act, No. 2 of 2000 (the "Act"), as amended, gives effect to section 32 of the Constitution of the Republic of South Africa 108 of 1996 (the "Constitution") which gives the right to access to any information held by the state and/or another person, that is required for the exercise or protection of any right.

1.2. Where a request is made in terms of the Act, the body to whom the request is made must consider whether to release the information, giving due consideration to applicable legislative and/or regulatory requirements, except where the Act expressly states that the records containing such information may not be released.

1.3. This manual, which is compiled in accordance with section 51 of the Act and complies with the requirements of the Protection of Personal Information Act, No. 4 of 2013 ("POPIA"), is intended to inform a request or of information, about the procedure for requesting information from the holder. This manual further incorporates the requirements of the POPIA and sets out the framework for our company's compliance with the same.

1.4. Where reference is made to the "processing" of personal information, this will include any activity in which information is worked with, from the time that it is collected, up to the time that it is destroyed, regardless of whether it is worked with manually, or by automated systems.

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2. MARINET DU TOIT PHYSIOTHERAPIST AND CONTACT DETAILS

2.1. MARINET DU TOIT PHYSIOTHERAPIST is a sole propriety with a HPCSA registration number PT0106208 and PRACTICE number 0455970 and 0952648. Our range of services includes final phase orthopedic rehabilitation, injury prevention and management of chronic and metabolic conditions though exercise as a prime modality.

2.2. Our contact details are as follows:
Physical Address:
Suite 29, 1ST Floor
Hermanus Medical Village,
Cnr De Goede and Church street,
Hermanus, 7200,
Western Cape
Contact Number: 084 549 2981/ 076 572 2967
E-mail address: dialaphysio1@gmail.com

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3. INFORMATION OFFICER

3.1. The Head of the COMPANY, Mrs. Marinet du Toit is the appointed Information Officer of Marinet du Toit Physiotherapist. Her contact details are listed hereunder:

Sole Proprietor:	Marinet du Toit
Physical Address:	Suite 29, 1st Floor Hermanus Medical Village Cnr. De Goede and Church street Hermanus 7200 Western Cape
Postal Address:	Suite 29, 1st Floor Hermanus Medical Village Cnr. De Goede and Church street Hermanus 7200 Western Cape
Telephone:	084 549 2981
Email:	dutoitmarinet@gmail.com

3.2. The Head of the COMPANY, Mrs. Marinet du Toit is the appointed Deputy Information Officer of Mrs. Charlotte van Rooyen. Her contact details are listed hereunder:

Owner:	Charlotte van Rooyen
Telephone:	084 549 2981
Email:	dialaphysio1@gmail.com

3.3. The Information Officer shall oversee the functions and responsibilities as required in terms of the Act and section 55 of POPIA, after registration with the Information Regulator.

3.4. The Information Officer may delegate some of the functions and responsibilities delegated to him by the Act and POPIA, to the Deputy Information Officer.

3.5. All requests for information must be addressed to the Information Officer.

4. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1)(b))

4.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

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

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

4.4. Enquiries in this regards should be directed to:
Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

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

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

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6. RECORDS AVAILABLE ON REQUEST

6.1. MARINET DU TOIT PHYSIOTHERAPIST holds the following records which may be available only on request in terms of section 51(1)(e):

Records	Subject
COMPANY Registration Records	Documents of Incorporation; Memorandum of Incorporation; Details of COMPANY owner
Financial Records	Accounting Records; Annual Financial Reports; Annual Financial Statements Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Policies and procedures; Tax Returns
Income Tax Records	PAYE Records;
IT Records	Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals; Information usage policy documentation;

6.2. For the purposes of the above clause 6.1., "Personnel" refers to any person who works for, or provides services to, or on behalf of a. MARINET DU TOIT PHYSIOTHERAPIST and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of a.MARINET DU TOIT PHYSIOTHERAPIST . This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

6.3. Access to the records stipulated in clause 6.1 above may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

6.4. The MARINET DU TOIT PHYSIOTHERAPIST also holds the following special personal information in terms of section 32 of the POPIA.

Special Personal Information	List of Patients personal details Patients Medical Aid information Patient Health Records which include but not limited to ● Hand-written contemporaneous notes; ● Notes taken by previous practitioners attending health care or other health care practitioners about our patients or individuals in our care; ● Referral letters to and from other health care practitioners; ● Cytology slides and printouts from automated analyzers, X-ray films, and reports, ECG races;

6.5. Access to the records stipulated in clause 6.4 shall be subject to provisions set out in sections 26,27 and 28 of the POPIA.

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7. RECORDS AVAILABLE WITHOUT A REQUEST

7.1. The following records are available on payment of the prescribed fees for copies without completing the prescribed form in terms of the Act.
a. Record of a public nature
b. Records disclosed on the MARINET DU TOIT PHYSIOTHERAPIST website
c. Non-confidential reports
d. Statutory records such as those maintained at the CIPC
e. Other Non-confidential records such as newsletters, brochures, and similar.

7.2. Requests for such records must be directed to the Information Officer.

7.3. An appointment to view such records will have to be made with the Information Officer.

8. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

8.1. MARINET DU TOIT PHYSIOTHERAPIST retains records and documents in terms of other legislation listed below.

8.2. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.

8.3. A request to access must be done in accordance with the prescriptions of the Act.

a. Basic Conditions of Employment Act, No 75 of 1997;
b. Broad-Based Black Economic Empowerment Act, No 75 of 1997;
c. Companies Act, No 71 of 2008;
d. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
e. Competition Act, No.71 of 2008;
f. Constitution of the Republic of South Africa 2008;
g. Copyright Act, No 98 of 1978;
h. Electronic Communications Act, No 36 of 2005;
i. Electronic Communications and Transactions Act, No 25 of 2002;
j. Employment Equity Act, No 55 of 1998;
k. Financial Intelligence Centre Act, No 38 of 2001;
l. Health Professions Act, No 56 of 1974;
m. Identification Act, No. 68 of 1997;
n. Income Tax Act, No 58 of 1962;
o. Intellectual Property Laws Amendment Act, No 38 of 1997;
p. Labour Relations Act, No 66 of 1995;
q. Medical Schemes Act, No 131 of 1998;
r. National Health Act, No 61 of 2003;
s. Occupational Health & Safety Act, No 85 of 1993;
t. Pension Funds Act, No 24 of 1956;
u. Prescription Act, No 68 of 1969;
v. Prevention of Organised Crime Act, No 121 of 1998;
w. Promotion of Access to Information Act, No 2 of 2000;
x. Protection of Personal Information Act, No. 4 of 2013;
y. Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
z. Unemployment Insurance Act, No 30 of 1996
aa. Value Added Tax Act, No 89 of 1991

Whilst every care was taken to provide a comprehensive list of applicable legislation, this list may be incomplete. To this end, this list shall be updated accordingly as and when a. MARINET DU TOIT PHYSIOTHERAPIST receives new information to this effect. If a Requester believes that a right of access to a record exists in terms of other legislation not listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

8.4. The accessibility of documents and records requested as a result of other legislation, may be subject to the grounds of refusal, set out in this Manual.

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9. REQUEST FOR ACCESS TO INFORMATION

9.1. The requester must comply with all the procedural requirements contained herein relating to the request for access to information access to information.

9.2. The requester must complete the prescribed form available on the website of the SAHRC at www.sahrc.org.za (J752 /Form C) and submit same, with payment and/or proof of payment as well as payment of the requested fee and/or a deposit (if applicable) to the Information Officer.

9.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

a. the information or records requested;
b. the identity of the requester;
c. the form of access required;
d. the postal address or fax number of the requester in the Republic; or
e. if the reques ter wishes to be informed of the decision in a different manner (in addition to written), the manner and particulars thereof; and
f. 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.

9.4. a. MARINET DU TOIT PHYSIOTHERAPIST will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer, that circumstances dictate urgency.

9.5. The requester shall be advised whether access is granted or denied in writing.

9.6. In addition, the Information Officer will include the reason for the decision.

9.7. Should a request be made on behalf of another person, then the requester must submit proof of the capacity in they are acting to the satisfaction of the Information Officer (section 53(2)(f)).

9.8. Should an individual be unable to complete the prescribed form, owing to illiteracy or disability, such a person may make the request orally.

9.9. The requester must pay the prescribed fee before the request can be processed.

9.10. All information listed in Par 9.3 should be provided, failing which, the process will be delayed until the required information is provided.

9.11. The prescribed time periods will not commence until the requester has furnished all the required information and paid the prescribed fee.

9.12. The Information Officer shall partition information, if possible, and only grant the requester, access to the requested portion.

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10. REFUSAL OF ACCESS TO RECORDS

10.1. MARINET DU TOIT PHYSIOTHERAPIS is entitled to refuse a request for information in terms of the Act.

10.2. Access to information may be subject to the grounds of refusal.

10.3. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

10.4. The main grounds for MARINET DU TOIT PHYSIOTHERAPIST to refuse a request for information are:

a. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
b. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
c. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
d. mandatory protection of the commercial information of a third party (section 64) if the record contains:

i. trade secrets of the third party;
ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

iii. information disclosed in confidence by a third party to MARINET DU TOIT PHYSIOTHERAPIST if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
e. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
f. mandatory protection of the safety of individuals and the protection of property (section 66);
g. mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).
h. the commercial activities (section 68) of a private body, such as MARINET DU TOIT PHYSIOTHERAPIST which may include:
i. trade secrets of MARINET DU TOIT PHYSIOTHERAPIST
ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of MARINET DU TOIT PHYSIOTHERAPIST
iii. the information which, if disclosed could put MARINET DU TOIT PHYSIOTHERAPIST at a disadvantage in negotiations or commercial competition;
iv. a computer program which is owned by MARINET DU TOIT PHYSIOTHERAPIST and which is protected by copyright;
v. research information (section 69) of MARINET DU TOIT PHYSIOTHERAPIST or a third party, if its disclosure would disclose the identity of MARINET DU TOIT PHYSIOTHERAPIST the researcher, or the subject matter of the research and would place the research at a serious disadvantage.

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

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

10.7. 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.

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11. PRESCRIBED FEES (SECTION 51 (1) (f))

11.1. The Act provides for two types of fees, namely:
a. A request fee, which is a form of an administration fee to be paid by all

requesters except personal requesters, before the request is considered and is not refundable; and

b. An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

11.2. When a request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

11.3. If the search for the information has been made and the preparation of the record for disclosure, including an arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

11.4. If the preparation of the record requested requires more than the prescribed hours 6 (six), a deposit of a third of the payable access fee shall be paid.

11.5. The Information Officer shall withhold a record until the requester has paid the requested fees.

11.6. A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, the processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

11.7. 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.

11.8. Where MARINET DU TOIT PHYSIOTHERAPIST has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.

11.9. Where a requester submits a request for access to information about a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

11.10. An access fee is payable 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 Act or exclusion is determined by the Minister in terms of section 54(8).

11.11. A requester may query the payment of the requested fee and/or deposit with the Information Officer. Should the requester find the decision unsatisfactory, he/she may lodge an application with a court.

11.12. The Fee Schedule is as follows:

FEE TYPE	DESCRIPTION	FEE
Request Fee		
	Fees for Requesting Records (Excluding exempt people in terms of the Act)	R50
Access Fee		
	Information in an A-4 size page photocopy or part thereof	R1.10
	A printed copy of an A4-size page or part thereof	R0.75
	A copy in computer-readable format, for example: Compact disc	R70.00
	A transcription of visual images, in an A4-size page or part thereof	R40.00
	A copy of visual images	R60.00
	A transcription of an audio record for an A4-size page or part thereof	R20.00
	A copy of an audio record	R30.00
	Search and preparation of the record for disclosure. Excluding the first hour reasonable required for the search and preparation	R30 per hour
	Postage Fee	Actual Fee Incurred

12. DECISION

12.1. MARINET DU TOIT PHYSIOTHERAPIST will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give written notice with reasons to that effect.

12.2. The 30 (thirty) day period within which MARINET DU TOIT PHYSIOTHERAPIST must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the original 30 (thirty) day period.

12.3. MARINET DU TOIT PHYSIOTHERAPIST will notify the requester in writing should an extension be sought.

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13. REMEDIES FOR REFUSAL OF A REQUEST

13.1. Internal Remedies

a. MARINET DU TOIT PHYSIOTHERAPIST does not have internal appeal procedures as the decision made by the Information Officer is final.

b. A requester will need to exercise external remedies should the request for information be refused, and they are not satisfied with the decision by the Information Officer.

13.2. External Remedies

a. A requestor and/or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of receipt of notification of the decision apply to the High Court with jurisdiction, for relief.

13.3. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

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14. ACCESS TO RECORDS

14.1. Records held by MARINET DU TOIT PHYSIOTHERAPIST may be accessed by request only, once the prerequisite requirements for access have been met.

14.2. A requester is any person requesting access to information. There are two types of requester:

a. Personal Requester

i. A personal requester is a requester who is seeking access to information containing personal information about the requester.

ii. MARINET DU TOIT PHYSIOTHERAPIST will voluntarily provide the requested information or give access to any record concerning the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged (if applicable).

b. Other Requester

i. This requester is entitled to request access to information on third parties.

ii. In considering such a request, the Information Officer will take all reasonable steps to inform the third party to whom the requested record relates of the request.

iii. The Information officer will inform the third party that he/she may make a written or oral representation stating why the request should be refused or, where required, give written consent for the disclosure of the Information.

iv. The requester must fulfil the prerequisite requirements, including the payment of a request and access fee.

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15. AVAILABILITY AND UPDATING OF THIS MANUAL

15.1. This Manual is made available in terms of Regulation Number R.187 of 15 February 2002. MARINET DU TOIT PHYSIOTHERAPIST will update this Manual at such intervals as may be deemed necessary.

15.2. This Manual of MARINET DU TOIT PHYSIOTHERAPIST is available to view at its premises .
