



SAMA manual ON THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED)

1. INTRODUCTION

The South African Medical Association (SAMA) is a not-for-profit professional association for medical doctors, representing the interests of medical doctors, bearing registration number 1927/000136/08. Medical doctors and medical students registered in terms of the Health Professions Act 56 of 1974, with the Health Professions Council of South Africa (HPCSA), qualify for SAMA membership.

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 ("PAIA") and to address the requirements of the Protection of Personal Information Act, 2013 ("POPIA"). These Acts give effect to section 32 of the Constitution of the Republic of South Africa, 1998, which provides for the right to access to information held by the State and to information held by another person or entity, where such information is required by someone to protect his/her rights.

2. ADDRESS AND CONTACT DETAILS

Physical Address: South African Medical Association
Block F Castle Walk Corporate Park
Nossob Street
Erasmuskloof Ext3

Pretoria
0181,
South Africa
Postal Address: P O Box 74789
Lynnwood Ridge
Pretoria
0040,
South Africa
Tel +27 (0) 12 481 2000
Fax +27 (0) 12 481 2100
E-mail online@samedical.org
Media Queries online@samedical.org
Website www.samedical.org

3. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to-

- 3.1 check the nature of the records which may already be available at SAMA, without the need for submitting a formal PAIA request;
- 3.2 have an understanding of how to make a request for access to a record of SAMA;
- 3.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 3.4 know all the remedies available from SAMA regarding request for access to the records, before approaching the Regulator or the Courts;
- 3.5 the description of the services available to members of the public from SAMA, and how to gain access to those services;
- 3.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 3.7 if SAMA will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know if SAMA has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.9 know whether SAMA has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. AVAILABILITY OF THE MANUAL

A copy of this manual is available:-

- at our reception desk, at our registered premises situated at Block F Castle Walk Corporate Park, Nossob Street, Erasmuskloof Ext3, Pretoria, 0181, South Africa;
- on request from the Information Officer (details provided);
- through SAMA's website;
- from the South African Human Rights Commission (SAHRC), as provided in the PAIA.

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

5. INFORMATION OFFICER

Our Information Officer is: Dr Vusumuzi Nhlapho

E-mail: VusumuziN@SAMedical.org

Tel no: (012) 481 2122

6. HOW TO REQUEST ACCESS TO RECORDS HELD BY THE SOUTH AFRICAN MEDICAL ASSOCIATION

Requests for access to reports held by SAMA must be made on the request forms that are available from our offices or website, or from the South African Human Rights Commission (SAHRC) website (www.sahrc.org.za). When a record is requested, please note that:

- 6.1 Fees may be payable for reproduction of the record requested. These fees are prescribed by law, and can change from time to time.
- 6.2 The Request Form known as “Form C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY” must be completed. It can be obtained from our Information Officer, on the (SAHRC) website (www.sahrc.org.za) or on the website of the Department of Justice (www.justice.gov.za) under “PAIA” and “forms”.
- 6.3 On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information.
- 6.4 If the requester is acting on behalf someone else, the details of the other person as the one who has authorised the request must be included.
- 6.5 The requester must state in which form and format (inspection of copy, paper copy, electronic copy, transcript, etc) they want to access the information.
- 6.6 If the record is part of another record, the requester will only be allowed access to the part/s that pertains to the information they want or is entitled to, and not the rest of the record.
- 6.7 To facilitate the processing of your request, kindly use the prescribed form, address your request to the Information Officer, and provide sufficient details to enable SAMA to identify:
- the record/s requested;
 - the requester (and if an agent is lodging the request, proof of capacity);
 - the form of access required;
 - the postal address or fax number of the requester in the Republic of South Africa; if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 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.

All requests will be evaluated against the provisions of the PAIA. The Act allows the Information Officer to refuse access on grounds stipulated in the Act. A requester can, for example, not access another person's confidential information, or trade or commercial secrets of a business. An answer on a request for information must be made within thirty (30) days of the request, and if not granted and the requester is not satisfied with the reasons for the refusal of access, they can approach the courts within thirty (30) days of the request being refused.

7. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

A guide to the PAIA (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission

Postal address:

Private Bag 2700

Houghton

2041

Telephone: +27 (0)11 877 3600 (Switchboard)

Website: www.sahrc.org.za

General information: info@sahrc.org.za

Complaints: complaints@sahrc.org.za

There are also provincial SAHRC offices in all nine (9) provinces, details of which can be located on the SAHRC website at www.sahrc.org.za

8. VOLUNTARY DISCLOSURE

The following information is made known automatically and persons do not have to request such information:

- 8.1 Templates and pro forma documents compiled by the South African Medical Association for use by members (medical doctors) in their practices;
- 8.2 Ethical Rules and guidelines of the Health Professions Council of South Africa.

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

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

9.1 Business legislation:

The Companies Act 71 of 2008; Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Disease Act 130 of 1993; Occupational Health and Safety Act of 85 of 1993; Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Long-term Insurance Act 52 of 1998; Protection of Personal Information Act 4 of 2013; etc.

9.2 Health legislation:

The National Health Act 61 of 2003; Medical Schemes Act 121 of 1998; Medicines and Related Substances Act 101 of 1965; Children's Act 38 of 2005; Mental Healthcare Act 17 of 2002; Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; Health Professions Act 56 of 1974; etc.

10. RECORDS HELD BY THE SOUTH AFRICAN MEDICAL ASSOCIATION

We hold records in the categories listed below. The fact that we list a record type here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

10.1 Internal records relating to our business:

This includes our business's founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; etc.

10.2 Personnel records:

This includes records of temporary/fixed term/part-time/permanent employees, contractors, partners, directors (executive and non-executive). Records include personal files and similar records, records third parties have provided to us about their/our staff; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related correspondence.

10.3 Supplier and service provider records:

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

10.4 Technical records:

This includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professional council / statutory body records, approvals,

conditions and requirements, trade association information and similar product information.

10.5 Third party information:

This may be in our possession, but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

10.6 Environment and market information:

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

11. ACCESS TO RECORDS AND AVAILABILITY

Records	Subject	Availability
Public Affairs	Media Releases	Freely available on website www.samedical.org
Public Corporate Records	<ul style="list-style-type: none"> • Documents of Incorporation • Memorandum and Articles of Association/Memorandum of Incorporation • Records relating to appointment of directors, auditors, secretary, accountants and other officers 	<ul style="list-style-type: none"> • Available from Companies and Intellectual Property Commission (CIPC) for a fee • Available free on request to parties authorised by a relevant Act or with commercial interest • Available for a fee on request to other parties
Minutes and registers	<ul style="list-style-type: none"> • Minutes of Board, Exco, and other Committee meetings • Register and other 	<ul style="list-style-type: none"> • Confidential • Available free on request to parties authorised in terms of a relevant Act

Personal Documents and records	<ul style="list-style-type: none"> • Employment contracts • Employment equity plan • Disciplinary records • Salary records • Seta records • Disciplinary code • Leave records • Training records • Training manuals 	<ul style="list-style-type: none"> • Confidential • Not required to disclose • Available free or for a fee on request to parties authorised in terms of a relevant Act
Financial	<ul style="list-style-type: none"> • Financial Statements • Tax records • Accounting records • Banking records and statements • Asset register • Invoices 	<ul style="list-style-type: none"> • Confidential • Not required to disclose • Available free or for a fee on request to parties authorised in terms of a relevant Act
Tax records	<ul style="list-style-type: none"> • PAYE certificates and returns • Records of employees' SARS payments • VAT records • Skills development levies • UIF • Workmen's compensation 	<ul style="list-style-type: none"> • Available free or for a fee on request to parties authorised in terms of a relevant Act

12. THE SUITABILITY OF THE INFORMATION SECURITY MEASURES

SAMA stores information electronically and physically as follows:

- 12.1 Physical records are kept in locked cabinets at the business which is locked when not in use, and at the end of each day and only authorised people have access to the keys to the filing and other storage cabinet. There is an alarm system and fire alarm.

- 12.2 Copies of records are kept on several secure servers and offsite at a secure document storage facility.
- 12.3 Electronic records are kept on office computers which are password protected, with software regularly updated to protect against hacking, unauthorised access, tampering and the likes, and staff are trained to avoid practices that could place records at risk and on good practices that would keep electronic information reasonably secure.
- 12.4 Records are archived every 7 years and such archiving facility is secure.

13. PRESCRIBED FEES

The following applies the request other than personal requests:

- 13.1 The requestor is required to pay the prescribed fee of fifty rands (R50.00) before the request will be processed.
- 13.2 If the preparation of the record requested requires more than the prescribed six (6) hours, a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.
- 13.3 The requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 13.4 Records may be withheld until fees have been paid.
- 13.5 The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za

This manual is signed on this the 06 day of May 2022. On behalf of SAMA



CEO/Information Officer
(Duly authorised thereto)