

Practice PAIA Manual

This manual offers a description of the information of the records held by the practice, as well as how and under what circumstances such information may be disclosed in accordance with the Promotion of Access to Information Act (PAIA) (no 2 of 2000). This manual is available on the practice's website www.adrikruger.co.za. In addition, the manual may be updated from time to time, should the practice circumstances change or to keep abreast of amendments to laws and regulations concerning PAIA.

In addition to PAIA, the confidentiality, privacy policies and procedures of the practice as it relates to the sharing of information are informed by and in accordance with the following acts, rules, regulations and ethical guidelines: Consumer Protection Act (no 68 of 2008), Debt Collectors Act (no 114 of 1998), Health Professions Act (no 56 of 1974), Medical Scheme Act (no 131 of 1998), Mental Health Care Act (no 17 of 2002), National Health Act (no 61 of 2003), Protection of Personal Information Act (no 4 of 2013) as well as the Ethical Rules of Conduct as set out by the Health Professions Council of South Africa (HPCSA) and the Psychological Society of South Africa (PsySSA).

This manual is subject to the laws of South Africa. If for any reason, any provision of this manual is found incorrect or inaccurate, that provision shall be enforced to the maximum extent permissible so as to affect the intent of the parties as reflected in that provision, and the remainder of the manual shall continue in full force and effect. The section titles used in this manual are purely for convenience and carry with them no legal or contractual effect.

1. **The Promotion of Access to Information Act (PAIA) (no 2 of 2000)**

Introduction to PAIA:

- The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) was enacted on the 3rd of February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa (no 108 of 1996) regarding access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- In terms of section 51 of PAIA, all Private Bodies are required to compile an Information Manual.

This PAIA Manual is useful for the public to:

- Check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
- Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject.
- Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access.
- Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.

Guide on how to use PAIA & How to obtain access to the guide:

- The South African Human Rights Commission has compiled a guide to assist persons in exercising their rights in terms of PAIA. The guide is available in all the official languages and contains, amongst other, the following information:
 - The purpose of PAIA;
 - The manner, form and costs of a request for access to information held by a body;
 - When access to information may be denied; and
 - Legal remedies when access to information is denied.
- If you wish to obtain the PAIA Guide, you may access it through the Information Regulator at:
 - Website: www.justice.gov.za/infoereg/
 - Telephone number: 010 023 5200
 - Email address: helpdesk@infoeregulator.org.za

2. Contact Details for Access to Information of the Practice of Adri Kruger / Information Officer

Name : Adri Kruger
Tel : 082 971 4437
Email : admin@adrikruger.co.za
Website : www.adrikruger.co.za
Physical Address : 337 Castellet Country Estate, Syringa Avenue, Broadacres Ext 13
Postal Address : Postnet Suite 57, Private Bag X153, Bryanston, 2021

3. Records Held by the Practice

Records available without a PAIA request:

- Records of a public nature, typically those disclosed on the website of Adri Kruger, may be accessed without the need to submit a formal application.
- Other non-confidential records may also be accessed without the need to submit a formal application. Please note that an appointment to view such records will still have to be made with the Information Officer.

Subjects & Categories of Records Available Only on Request in Accordance to PAIA

- Note that the accessibility of any of the records held by Adri Kruger may be subject to the grounds of refusal set out by PAIA.
- For example, records deemed confidential on the part of a third party, will require the explicit permission from the third party concerned, in addition to normal requirements, before Adri Kruger will consider access.

Subject	Category
Records relating to the practice	<ul style="list-style-type: none">• Practice policies• Practice registrations
Financial records	<ul style="list-style-type: none">• Accounting records• Annual financial reports;• Annual financial statements• Asset registers• Bank statements• Banking details and bank accounts• Debtors & Creditors statements & invoices• Tax returns• Rental agreements• Salary records• Insurance & Indemnity policies
Employment documents & records	<ul style="list-style-type: none">• Addresses• Disciplinary records• Employment contracts• Salary records

	<ul style="list-style-type: none"> • Leave records • UIF & COIDA records
Client records	<ul style="list-style-type: none"> • Consent forms • Correspondence • Referral notes & correspondence • Psychotherapy notes & reports

4.

Processing of Personal Information

- A detailed description of the processing of personal information by the practice is available in the practice's Clinical Psychology Service Agreement as well as its Privacy Notice. These documents are available on the practice's website.
- The practice is committed to protecting the privacy of its clients and ensuring that their personal information is collected and used lawfully.
- The practice is committed to taking the appropriate, reasonable, technical and organisational measures to prevent the unlawful access to or loss of / damage to any personal information held by the practice.

What personal information does the practice collect?

The practice only collects lawfully permitted information. This includes, but is not limited to, the following:

- The name, contact details and other information of clients as contained in Section B (Client & Billing Information) of the Clinical Psychology Service Agreement.
- Appointment dates and times as well as information relating to any other contact clients have with the practice such as telephone calls and emails.
- Therapy notes which include diagnostic information and information about clients given to the practice with their consent.
- Account related information such as dates of payments owed and received.

How does the practice collect personal information?

- The practice is committed to the informed, consensual and limited collection of essential and relevant personal information.
- Information is collected directly from clients through the forms they complete, information shared during therapy sessions and other information intentionally shared by clients or someone they nominate. With the client's explicit permission and/or as permitted by law, information can also be collected from other sources such as a referring therapist or doctor.

Why and how does the practice use personal information?

- **To provide care:** The processing of personal information is integral to the process of psychotherapy. The success of therapy greatly depends on the intentional sharing of confidential personal information such as age, physical and mental health, sexual orientation, opinions and beliefs etc.
- **For administrative purposes:** The practical running of the practice, such as billing procedures, requires that some personal information is processed.
- **Secondary or indirect use:** Limited and completely de-identified / anonymous data may be used by the practice to participate in research, to participate in practice surveys / audits and to seek supervision from or give supervision to another registered therapist. Should any other activity, in which the practice is legally obligated to participate, require that personal information is used it will only be done when all appropriate, reasonable technical and organisational measures have been taken to protect the rights of the practice's clients.

The disclosure of personal information to 3rd parties

Under certain clearly defined circumstances the practice is legally obligated, or has the legal right, to share personal information, without a client's consent.

- **Disclosure as obligated by Law:** The practice is legally obligated to share personal information if it has reasonable cause to believe that a client presents a danger to themselves or others, that a child or a vulnerable adult is in need of protection or if a court orders the disclosure of records.

- **Disclosure to Medical Schemes:** It is mandatory to include an ICD-10 (International Statistical Classification of Diseases and Related Health Problems – 10th Revision) diagnostic code on all invoices that are submitted to a medical aid.
- **Disclosure for Debt Collection:** Should a client default on payment, credit-related information concerning the client may be disclosed to a credit bureau or attorney. In addition, the practice may be required to release reasonable information for the purpose of protecting a medical scheme against fraud.
- **Disclosure in the case of a deceased client:** If relevant, information may be shared with the written consent of the next of kin or the executor of the deceased's estate.
- **Disclosure to protect the practice:** The practice will release reasonable information for the purpose of protecting its own legitimate interests, rights and property.
- **Other 3rd party access or potential access to personal information:** If the practice has a contract with a third party, whose services require the processing of, or potential access to, personal information; such as auditors and IT support, the practice will endeavour to ensure that personal information is protected. The practice makes use of confidentiality contracts with service providers and gives preference to providers that have their own established privacy practices.

Storage and Disposal of Personal Information:

- The practice stores information as long as required to do so by law. Currently the Health Professions Council of South Africa requires that the records of an adult be stored for 6 years after the last date of treatment.
- To ensure the protection of stored information the practice uses password protected electronic devices, up-to-date security software and secure, locked storage of all client records. The practice regularly reviews and improves the measures taken to protect personal information from unauthorised access, accidental loss, disclosure or destruction.
- The practice's website is secured by means of an SSL certificate and I take reasonable measures to ensure the continued security of the website.
- All disposable documents containing personal information are securely destroyed.

5. **Requesting Information in Accordance to PAIA**

- The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- The requester must complete the prescribed form (Form C / Request of Access to the Record of a Private Body), and submit it as well as payment of a request fee to the Information Officer at the postal or physical address or e-mail address as noted in this document. Form C as well, as the prescribed fees, is available on the Information Regulator's website. Alternatively, the requester may contact the practice for a copy.
- The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
 - the record or records requested, as well as
 - the identity of the requester.
- The requester should indicate which form of access is required and specify a postal address for the requester within the borders of South Africa.
- The requester must state that they require the information in order to exercise or protect a right, and clearly state what the nature of the right is. The requester must clearly specify why the record is necessary to exercise or protect such a right.
- The Information Officer will process the request within 30 days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- If the requester is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

- The requester must pay the prescribed fee, before any further processing can take place.
- The prescribed time periods for providing a response will only commence once the requester has furnished all the necessary and required information.
- In addition, the Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.
- All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

6.

Refusal of Access to Records

A private body such as Adri Kruger is entitled to refuse a request for information. The main grounds for Adri Kruger to refuse a request for information relates to:

Mandatory Protection:

- Mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in the Protection of Personal Information Act (no 4 of 2013), which would involve the unreasonable disclosure of personal information of that natural or juristic person.
- 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 the Protection of Personal Information Act (no 4 of 2013).
- Mandatory protection of the commercial information of a third party if the record contains:
 - trade secrets of the third party,
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party, and
 - information disclosed in confidence by a third party to Adri Kruger if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.

Commercial Activities:

- Trade secrets of Adri Kruger.
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Adri Kruger.
- Information which, if disclosed could put Adri Kruger at a disadvantage in negotiations or commercial competition.
- A computer program which is owned by Adri Kruger, and which is protected by copyright.
- The research information of Adri Kruger or a third party, if its disclosure would disclose the identity of Adri Kruger, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Other Grounds for Refusal:

- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 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. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose 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 to such record.

The practice reserves the right to update, modify or amend this manual in order to, but not limited to: Adapt to changing data protection practices and technology, increase the functionality of the practice or to incorporate changes in law, regulations as well as good practice guidelines.

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