

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended), and to address requirements of the Protection of Personal Information Act, 2013.

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1. DEFINITIONS

- Act:** Promotion of Access to Information Act (Act No.2 of 2000)
- Access fee:** A fee paid by all requesters if the request for access is granted.
- Information officer:** Head of a private body who ensures that the processing of personal information is done in a lawful manner, ensures compliance with POPI, deals with requests made to the private body in relation to POPI.
- Manual:** PAIA manual
- Operator:** Any person who provides services to or on behalf of Dr Mariska Carter, and any other person who assists in carrying out the business of Dr Mariska Carter who has access to personal information of clients
- Personal information:** Information about an identifiable, living, natural person, and, where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- information about 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
 - information relating to the educational, medical, financial, criminal or employment history of the person.
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person
 - the biometric information of the person
 - the personal opinions, views, or preferences of the person
 - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence.
 - the views or opinions of another individual about the person
 - the name of the person if it appears with other personal information about the person or if the disclosure of the name itself would reveal information about the person.
- Personal Requester:** A requester who wants access to a record containing personal information about himself/herself.
- POPI Act:** Protection of Personal Information Act 4 of 2013
- Practice:** The psychology practice of Dr Mariska Carter

Private body	A natural person who carries or has carried on any trade, business, or profession but only in the capacity as a natural person; A partnership which carries or has carried on any trade, business, or profession; Any former or existing juristic person but excludes a public body.
Public body:	Any department of state or administration in the national or provincial sphere of government, or any municipality in the local sphere of government; Any other functionary or institution when: exercising a power or performing a duty in terms of the Constitution or a provincial constitution or exercising a public power or performing a public function in terms of any legislation.
Record:	Any recorded information, regardless of form or medium, including: • writing on any material • information produced, recorded, or stored by means of any tape-recorder, computer equipment, whether hardware, or software or both, or other device, and any material subsequently derived from information produced, recorded, or stored. • label, marking or other writing that identifies or describes anything of which it forms part or to which it is attached, by any means. • book, map, plan, graph, or drawing • photograph, film, negative, tape or other device, in which one (1) or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced. that's in the possession or under the control of a responsible party, whether or not it was created by a responsible party, regardless of when it came into existence.
Republic:	Republic of South Africa
Requester:	Any person making a request for access to a record of Dr Mariska Carter
Request fee:	A type of administration fee to be paid by all requesters except personal requesters.

2. INTRODUCTION

This manual ("PAIA Manual") is published in terms of Section 51 of the Promotion of Access to Information Act (Act No.2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to any information held by the State and/or held by another person or entity where such information is required to exercise or protect any rights. This manual applies to the private psychology practice of Dr Mariska Carter (HPCSA number: PS116807; Practice number: 0488127) ("the Practice"). She is a registered clinical psychologist based in George, Western Cape. Dr Mariska Carter's psychology practice provides

psychotherapy services to adults and children. The Practice is in the health care sector and Dr Mariska Carter is a healthcare professional registered under the Health Professions Act of 1974 and is subject to the rules and regulations of the Health Professions Council of South Africa (HPCSA). This manual serves to inform members of the public of the categories of information that the practice holds and that may, subject to the grounds of refusal listed in the Act, be accessed after evaluation of an access application being made in terms of the Act.

3. HOW THE PAIA MANUAL WORKS (SECTION 51 (1))

The Act provides that a requester may be provided 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 interest of the public. Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided. Accordingly, this manual provides a reference to the records held and the process that needs to be adopted to access such records.

More information on how the Act works and all other information including the Section 10 Guide can be obtained from the South African Human Rights Commission.

The contact details of the Commission are:

Physical address: PAIA Unit, 29 Princess of Wales Terrace Cnr York and Andrew Streets, Parktown

Postal address: Private Bag 2700, Houghton, 2041

Telephone number: +27 11 877 3600

Fax number: +27 11 403 0625

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4. HEAD OF PRACTICE CONTACT DETAILS

Name of Business/Practice: Dr Mariska Carter

Head of Practice: Dr Mariska Carter

Physical Address: 15 Kerkhof street, George central, George, Western Cape, 6529

Phone Number: 0724414143

E-mail Address: mariska@mariskacarter.co.za

Website: www.mariskacarter.co.za

5. PRACTICE INFORMATION OFFICER CONTACT DETAILS

Practice Information Officer: Dr Mariska Carter

Physical Address: 15 Kerkhof street, George central, George, Western Cape, 6529

Phone Number: 0724414143

Email Address: mariska@mariskacarter.co.za

6. AVAILABILITY OF THIS MANUAL

A copy of this manual is available for inspection, free of charge, at the offices of Dr Mariska Carter during her working hours or on the practice website at www.mariskacarter.co.za. It can be viewed on request from the Practice Information Officer. Any transmission costs or postage required in respect of hard copies of the Manual, will be for the account of the requester.

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

7. RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE ACT

Not applicable

8. INFORMATION AND CATEGORIES OF RECORDS AVAILABLE IN TERMS OF THE ACT

The Practice holds records in the categories listed below. The fact that a record type is listed here does not necessarily mean that such records will be disclosed. These records may be subject to refusal as set out in this manual. Amongst other, records deemed confidential on the part of a third party, will require consent from the third party concerned, in addition to normal requirements, before Dr Mariska Carter will consider access.

- **Internal records relating to the professional business of the practice (available on request):**
 - Annual financial statements; Banking details/accounts/statements; business cards; invoices; financial/accounting records; insurance policies/records; professional qualification, registration records, and certificates; continuing professional development (CPD) documents and certificates; agreements/contracts with operators; practice rental agreement; tax returns.
- **Patient records (available on request)**
 - *It must be noted that, in the health sector, personal and patient information are protected by legislation and ethical rules in addition to the POPI Act, and disclosure can only take place, if at all, within all those frameworks.*
 - Patient lists; contact and medical aid details; health/medical records; session records; audio records; medical reports; consent forms; financial and accounts information; intake documents.
- **Records in terms of other legislation (available on request)**
 - Where applicable to its operations, Dr Mariska Carter also retains records and documents in terms of the legislation below.
 - Access to this legislation and records relating to these acts can be made available for inspection by requesters in terms of the requirements of the Act, unless its disclosure is prohibited by legislation, regulations, contractual agreements.
 - At present these include records held in terms of:

- The National Health Act 61 of 2003
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Health Professions Act No. 56 of 1974
- Children's Act 38 of 2005
- Mental Health Act 17 of 2002
- It is possible that this list of legislation may be incomplete. If it comes to Dr Mariska Carter's attention that existing or new legislation allows a requester access on a basis other than as set out in PAIA, this list shall be updated accordingly. If a requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

Voluntary Disclosure

Records of a public nature, typically those disclosed on Dr Mariska Carter's website or other social media platforms, may be accessed without the need to submit a formal request (e.g., psychotherapeutic approach; general information about the practice such as location, areas of interest, contact details, fees, documents on website, etc).

9. CATEGORIES OF DATA SUBJECTS AND INFORMATION OR CATEGOREIS OF INFORMATION RELATING THERETO

The applicable categories of persons and related information will always be case related and may accordingly vary to some extent.

Categories of Data Subjects	Personal Information that may be processed
Clients	name, address, date of birth, age, identity number, contact details, language, marital status, employment status, medical information, other health related information, religious- and sex life information, medical aid details, payment details, and bank details
Persons responsible for the payment of services rendered (other than clients)	name, address, contact details, identity number, employment status, medical aid details, payment details, and bank details
Person assigned to be the emergency contact of the client	name, contact details, relationship to the client
Service providers	names, contact details, bank details

10. PURPOSES FOR PROCESSING PERSONAL INFORMATION

The very nature of the business conducted by the Practice requires the gathering of Personal information from a client and other relevant person/s (the latter being case dependent). Without such Personal information, the services requested from the Practice would not be possible.

The Practice will only collect information that it needs for a specific and lawful purpose, based on the relevant function or activity of the Practice or its operators. The Practice collects personal information and where applicable, special personal information from clients/data subjects for the purposes of billing, medical aid claims, contacting clients/data subjects for booking administration, assessment and treatment purposes, risk to self and others management, legal or contractual purposes, financial or tax purposes, treatment feedback and consent purposes.

The Practice collects the following personal information for the purposes outlined above and for specific purposes described below:

Data Collected	Reason for Collection
Name and Surname	Identifying data for billing, claims submission and contact purposes
ID number, Date of birth and age	Identifying data for billing, claims submission and assessment and treatment purposes
Copy of ID book	Confirmation of identity
Copy of medical aid card	Confirmation of medical aid details
Marital Status:	Assessment purposes
Residential Address	Billing and debt collection purposes
Cell phone number and E-mail address	Contact purposes
Occupation and Employment Information	Assessment and treatment purposes
Employer/School	Billing, debt collection and contact purposes
Medical Aid Provider, Plan, Number, Main Member, Dependents (with corresponding date of births)	Billing and claims purposes

Emergency contact details	Contact purposes and personal risk management
Source of referral (if applicable)	Referral and treatment information
School and Grade	Contact purposes, assessment, and treatment purposes
Medical Information	Assessment and treatment purposes
Educational Information	Assessment and treatment purposes
Language	Communication purposes
Legal activities	Referral purposes, assessment, and treatment purposes
In the Case of Minors, additional information include:	
Copy of child's birth certificate / ID book	Confirmation of identity
Mother's/Legal guardian's name and contact details; Copy of ID book	Confirmation of identity, Contact, consent, billing, claim, risk management and feedback purposes
Father's/Legal guardian's name and contact details; Copy of ID book	Confirmation of identity, Contact, consent, billing, and claim purposes

Clients who are not satisfied with the way the practice deal with their personal information is entitled to lodge a complaint with the Information Regulator at <https://www.justice.gov.za/infoereg/contact.html>.

11. CATEGORIES OF THE RECIPIENTS OF PERSONAL INFORMATION

The Practice may share personal information of data subjects/clients with the following third parties, to the extent that is needed for the third parties to perform their duties or contractual obligations:

- Billing company
- Accounting company
- Medical Aids
- Debt collection agencies (when necessary)
- Hospitals (when necessary)
- Other health care practitioners for the purposes of referral, treatment, assessment, and/or supervision.
- Any third parties as required or allowed for by law.

- Third parties as requested, consented to, or agreed to in a contract by the data subject.

12. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Practice does not have any planned trans-border flow of personal information.

13. DESCRIPTION OF INFORMATION SECURITY MEASURES

The Practice has taken the following measures to protect personal information:

Protection of hardcopy data:

- Paper-based records are kept in a locked cupboard within the practice.

Protection of electronic data:

- The internet is an open medium and it cannot be guaranteed that any information you send to the practice by email or other electronic means will not be intercepted or tampered with; any transmission is at your own risk. Once the practice has received your information, it will use appropriate procedures and security features to prevent unauthorised access.
- Electronic records containing identifying and/or personal patient information are password protected and stored on password protected electronic devices.
- The software on the practice's computer is regularly updated and has virus protection software.
- All operators have signed an agreement with the Practice that they also need to adhere to POPIA, including taking reasonable steps to store and protect personal information of data subjects.
- **Emails:** The practice e-mail account can only be accessed through the practice's computer which is password protected. Reports containing personal/confidential information are password protected in that the receiver of the document will need a password to open the attached report. Emails also have a disclaimer.
- **Telephone:** Any messages and/or voicemails left by potential or existing clients are made to the practice's mobile phone, which is password protected.

Protection of information by third parties:

- Third party service providers who have access to personal information are required to sign an agreement to protect the personal information of the clients or patients at this practice.
- Medical aids with whom personal information is shared will be assumed to be responsible for protection of that personal information in accordance with their own POPI compliance procedures based on the Protection of Personal Information Act 4 of 2013.

Confidentiality of personal information

By virtue of the provisions of Section 32(1)(a) of POPIA, most, if not all, Personal information gathered from and regarding clients will be exempt from the general POPIA provisions prohibiting the collection and processing of such Personal

information. It is, however, a policy of the Practice to obtain the consent of all relevant parties before gathering and/or processing Personal information. All Client related Personal information is subject to an obligation of confidentiality by virtue of the profession under which the Practice falls, as well as South African legislation. As such, all Personal information provided will be treated as strictly confidential, with the following exceptions:

- with a client's (or that client's guardian in applicable cases) express consent.
- where Personal information is required by the client's medical aid or other person responsible for payment of the Practice's professional fees (where applicable) to process claims for treatment provided by the Practice or for the Practice's administration.
- where the Practice is obliged by law to divulge information.
- where consultation with other mental health professionals is viewed as being necessary.
- where the client poses a danger to him- or her- self, or another person.
- where the client's referral source or family doctor require feedback regarding his or her treatment. In such a case, information will only be supplied once discussed with the client or guardian (where applicable).
- in the case of a deceased Client, with the written consent of the next of kin or the executor of the deceased's estate.

About the treatment of minors: doctors, teachers, and other persons (depending on the client) may need to be consulted to gain additional information. Furthermore, such persons may be better able to support and help the client if the Practice is allowed to communicate essential information or management strategies to them. Should the Head of Practice believe that Personal information regarding the client should be shared with any of the aforesaid categories of persons care and discretion will be used, and the guardian and client will first be consulted, and their permission obtained.

14. INFORMATION REQUEST PROCEDURES IN TERMS OF PAIA

Any person who contemplates requesting medical information of clients of the Practice, should first consider the implications of:

- Section 61 (access to health and other records),
- Section 63 (mandatory protection of privacy),
- Section 65 (mandatory protection of confidential information), as well as
- The remainder of Chapter 4 (grounds for refusal of access to records) of PAIA.

A person who wants access to the records must complete the access request form (*Form C, Request for Access to Record of Private Body*) that is available at the offices of Dr Mariska Carter and on her website at www.mariskacarter.co.za. The completed

request form and payment of a request fee and deposit (if applicable) must be sent to the email address provided in this manual and marked for the attention of the head of practice.

Please provide sufficient details to enable the practice to identify:

- The record(s) requested (provide a thorough description),
- The requester
 - For personal requesters, Dr Mariska Carter will voluntarily provide the requested information or give access to any record about the requester's personal information.
 - If the requester is acting on behalf of someone else, Dr Mariska Carter will take all reasonable steps to inform a third party to whom the requested record relates of the request, informing them that they may make a written or oral representation to the Information Officer why the request should be refused or give written consent for the disclosure of the Information. Dr Mariska Carter is under no obligation to voluntarily grant access to these records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act, including the payment of all the necessary fees.
- The form of access required (inspection of copy, paper copy, electronic copy, transcript, etc.)
- The e-mail or postal address of the requester in the Republic
- If the requester wishes to be informed of the decision in any manner other than, or in addition to written and the particulars thereof.
- The right which the requester is seeking to exercise or protect with a specific, clear explanation of the reason the record is required to exercise or protect the right.
- The prescribed request fee must be attached.

Dr Mariska Carter will process the request within 30 (thirty) days of receipt of the request. If there is missing information, the process will be delayed until all the information needed is provided. The time will not start until all required information has been received. The requester will be advised whether access is granted or denied in writing. This 30 (thirty) day period may be extended for a further period of not more than (30) thirty days, if the request is for a large amount of information. Dr Mariska Carter will notify the requester in writing should there be an extension. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal.

Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

15. DENIAL OF ACCESS TO RECORDS

A private body such as Dr Mariska Carter is entitled to refuse a request for information under certain conditions provided for in the Act. All requests for information will be assessed on their own merits and in accordance with the applicable legal and ethical principles and legislation.

Grounds for refusal include:

- Disclosures that would go against the mandatory protection of the privacy of a third party who is a natural person or a juristic person, as included in the POPI Act, which would involve the unreasonable disclosure of personal information of that person.
- Disclosures that would go against the 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 POPI Act
- Disclosures that would go against the mandatory protection of commercial information held concerning any third party (e.g., trade secrets; financial, commercial, scientific, or technical information that may harm the commercial or financial interests of any third party)
- Disclosures that would result in a breach of a duty of confidence owed to a third party.
- Disclosures that could put a third party at a disadvantage in negotiations or commercial competition.
- The mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Disclosures that would jeopardize the safety or life of an individual.
- Disclosures that would prejudice or impair the security of property or means of transport.
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme.
- Disclosures that would prejudice or impair the protection of the safety of the public.
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived.
- Disclosures of details of any computer programme owned by Dr Mariska Carter.
- Disclosures that will put Dr Mariska Carter at a disadvantage in negotiations or commercial competition.
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Dr Mariska Carter.

- Disclosures of any record containing information about research and development being carried out or about to be carried out by Dr Mariska Carter or a third party.
- Requests for information that are clearly frivolous, 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 will notify the requester that access to the requested record is not possible. If the record is later found, the requester will be given access to the record, unless the Information Officer refuses access to such record.

The decision made by the Information Officer is final. If access to a record or any other relevant information is denied, the response will include:

- Adequate reasons for the refusal; and
- Notice that the requester may lodge an appeal with the court against the refusal within 30 days of notification of the decision.

16. FEES

A requestor is required to pay the legally mandated prescribed fees before a request will be processed. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit. All fees are subject to change as allowed for in the Act and consequently such increases may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two basic types of fees payable in terms of the Act:

- **Request Fee:**
 - The non-refundable request fee of R 50 is payable on submission of any request for access to any record. The information officer shall not process the request until this fee is received.
 - This fee does not apply if the request is for personal records of the requestor - no fee is payable in such circumstances. Only the prescribed fee for reproduction of the information requested will be charged.
 - If the Information Officer is of the opinion that the preparation of the requested record, including the time it takes to make it available in the requested form, will require more than six (6) hours, the information officer will notify the requester to pay a deposit equal to one third (1/3) of the access fee (which would be payable if the request were granted).
 - If the request is subsequently refused, and a deposit has been paid in respect of a request for access, then the Information Officer will repay the deposit to the requester.
- **Access Fee:**

- If the request to access a record has been granted, the requester must pay an access fee prior to being permitted access to the records in the required form.
- This fee involves the costs of the private body in obtaining and preparing a record for delivery to the requester in its required form.
- The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za
- If a copy of the record should be posted, the actual postal fee is payable.
- The Information officer shall withhold a record until the requester has paid the fees.
- Access to records that were made available to any person requesting access, the only charge will be a fee for reproducing these records in its required form.

Head of Practice: Dr Mariska Carter

Signed: 

Date: 18 July 2023