

**Manual for: Witkoppen Health and Welfare Centre (Section 21)**  
**Prepared in terms of the requirements of the**  
**PROMOTION OF ACCESS TO INFORMATION ACT**  
**No. 2 of 2000**  
**(hereinafter referred to as the "Act")**

## **1. Introduction**

The Promotion of Access to Information Act gives effect to the constitutional right of 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.

Specifically, section 51(1) of the Act provides that the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

Witkoppen Health and Welfare Centre (Section 21) falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held by Witkoppen Health and Welfare Centre (Section 21) and the process that needs to be adopted to access such records.

**All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.**

## 2. Business and contact details

**Name of Business:** Witkoppen Health and Welfare Centre (Section 21)  
**Company registration:** 1996/000404/08  
**Head of Business:** Dr Jean Bassett  
**Information officer:** DR Jean Bassett  
**Position:** **Executive Director**  
**Postal Address:** P.O. Box 2472, Fourways, 2055  
**Physical Address:** 105 William Nicol Drive, Fourways, Johannesburg, 2055  
**Phone Number:** 011 705 2438  
**Fax Number:** 086 671 9674  
**Email Address:** info@witkoppen.co.za  
**Website:** www.witkoppen.org.za

## 3. Manual and Guidelines

Section 10 of the Act provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the Promotion of Access to Information Act. This Guide can be found at the following URL: <http://www.sahrc.org.za/home/index.php?ipkContentID=25&ipkMenuID=45>

Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein. Telephone 011 877 3750 or Fax 011 403 0668.

Copies of the Guide are also available at the following places:

- The office of the Government Communications and Information Services;
- Library of Parliament, Cape Town;
- The South African Library, Cape Town;
- Natal Society Library, Pietermaritzburg;
- The State Library in Pretoria;
- City Library Services, Bloemfontein;
- The National Film, Video and Sound Archives, Pretoria;

Copies of the Guide are also available in all official languages at the following offices:

- All offices of public bodies;
- All Magistrates' Offices;
- All offices of the Department of Justice and Constitutional Development;
- All Post Offices;

The Guide is also available at all offices and on the website of the South African Human Rights Commission, [www.sahrc.org.za](http://www.sahrc.org.za).

## 4. Records and information freely available

- Newsletters
- Web-site

## **5. Records that are held at the offices of the business**

The following is a list of records that are held at the business's office:

### **Administration**

- Correspondence
- Statutory returns

### **Human Resources**

- Policies and procedures
- Employee information
- Conditions of service
- Employee records
- Employment contracts
- General correspondence
- Recruitment and appointments
- Time and attendance registers
- Training records
- Employee evaluations

### **Operations**

- Patient registry
- General correspondence
- Suppliers' registry

### **Finances**

- Annual financial statements
- Asset register
- Banking records
- Budgets
- Contracts
- Financial transactions
- General correspondence
- Insurance Information
- Management accounts
- Purchase and order information
- Tax records (company and employee)

### **Information Technology**

- Systems support
- Software packages
- Patient database
- Licences
- Operating systems
- Internet
- Telephone exchange equipment

### **Statutory Records**

- Certificate of incorporation
- Certificate to commence business
- Memorandum of Incorporation
- Register of directors and officers
- Register of shareholders/members
- Share register, including transfers and allotments
- Resolutions and minutes

## Information available in accordance with other legislation

This list is not necessarily exhaustive

- Basic Conditions of Employment 75 of 1997
- Broad-Based Black Economic Empowerment Act and Preferential Procurement Policy Framework Act 53 of 2003
- Companies Act of 2008
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour relations Act 66 of 1995
- Money Laundering Legislation
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act, 2000
- Value Added Tax Act 89 of 1991

## 6. Information Request Procedure

- The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices or at [www.accesstoinfo.co.za](http://www.accesstoinfo.co.za)
- The request must be made to the Head of Business named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Head of Business aforesaid.
- The prescribed request fee must be attached.

We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

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.

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 as contemplated in Chapter 4 of Part 3 of the Act.

## 7. Denial of access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;

- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of 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 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;
- Disclosures that will put Witkoppen Health and Welfare Centre (Section 21) at a disadvantage in contractual or other negotiations or prejudice it in 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 Witkoppen Health and Welfare Centre (Section 21)
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Witkoppen Health and Welfare Centre (Section 21)

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

## 8. Fees

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 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

### **Access Fee**

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

## 9. Manual Availability

This Manual is available at the offices of the South African Human Rights Commission. The Manual is also available at [www.accesstoinfo.co.za](http://www.accesstoinfo.co.za)

Copies may also be obtained from the Head of Business of Witkoppen Health and Welfare Centre (Section 21) In respect of hard copies, any transmission costs or postage will be for the account of the requester.

## Annexure A - FORM B

### REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

#### A. Particulars of private body

The Head:

#### B. Particulars of person requesting access to the record

- |     |   |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

#### C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> person.
---

Full names and surname:

Identity number:

**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:
- 2 Reference number, if available:
- 3 Any further particulars of record:

**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:

**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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
NOTES:	
<ul style="list-style-type: none"><li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li><li>(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.</li><li>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</li></ul>	

<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</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	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		transcription of soundtrack*
	audio cassette		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

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

**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?

Signed at..... This..... day of .....20.....

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE



## **Annexure B**

### **Reproduction fees**

Where a private body 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 reproduction of the record in question.

The applicable fees for reproduction as referred to above are:

- For every photocopy of an A4-size page or part thereof R 1.10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0.75
- 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
- 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
- To search for a record that must be disclosed, R30,00 per hour or part of an hour reasonably required for such search.
- Where a copy of a record needs to be posted the actual postal fee is payable.

### **Deposits**

Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.