



PROMOTION OF ACCESS TO INFORMATION ACT - SECTION 51 MANUAL

BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

This Information Manual is published in terms of Section 51 of the Promotion of Access to Information Act (Act No. 2 of 2000) (hereinafter referred to as “the Act”). The Act gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, which provides for the right of access to information held by the State and to information held by another person or entity, when such information is required by someone to protect his/her rights.

In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual (hereinafter referred to as “the Manual”).

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Public or Private Body.

OVERVIEW

Eyetek Optometrist is a practice in the field of Optometry. We specialise in full spectrum optometric service and accordingly we work in the health sector and are healthcare professionals registered under the Health Professions Act of 1974, and are subject to the rules and regulations of the Health Professions Council of SA (HPCSA).

This Manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access to information application being made in terms of the Act.

PAIA MANUAL INFORMATION

The purpose of the Act is to promote the right of access to information, to foster a culture of transparency and accountability within businesses, which includes Eyetek Optometrist.

This is achieved by giving the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- a. Limitations aimed at the reasonable protection of privacy;
- b. Commercial confidentiality; and
- c. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

AVAILABILITY OF THIS MANUAL

Please take note that a copy of this Manual is available as follows:

1. At our reception desk at our practices located at:
 - a. **Eyetek Dainfern** – Shop No. 8 Valley Shopping Centre, 80 Broadacres Drive, Dainfern, Fourways, Gauteng.
 - b. **Eyetek Illovo** – Lower Level, Illovo Square Shopping Centre, 3 Rivonia Road, Illovo, Gauteng.
 - c. **Eyetek Weltevredenpark** – Town Square Shopping Centre, Corner Hendrik Potgieter Road and Albert Street, Weltevredenpark, Roodepoort, Gauteng.
2. On our website: www.eyetek.co.za.
3. On request from our Information Officer.

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

CONTACT DETAILS OF THE OWNER

Kindly take note that the owner of Eyetek Optometrist is:

NAME & SURNAME: **CASHA MEINTJES**
PHONE: **011 475 2830**
ADDRESS: **TOWN SQUARE SHOPPING CENTRE, CORNER HENDRIK POTGIETER ROAD AND ALBERT STREET, WELTEVREDENPARK, ROODEPOORT**
EMAIL: casham@eyetek.co.za
WEBSITE: www.eyetek.co.za

THE INFORMATION OFFICER

The Promotion of Access to Information Act as well the Protection of Information Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess requests for access to information.

Eyetek Optometrist has opted to appoint an Information Officer to assess such a request for access to information as well as to perform the duties and responsibilities as is required by the acts mentioned above.

Kindly take note that our Information Officer is:

NAME & SURNAME: **MARNÉ VAN NIEKERK**
DESIGNATION: **OPERATIONS MANAGER**
PHONE: **011 268 5254**
EMAIL: marne@eyetek.co.za

You are requested to contact the Information Officer with any access to information related requests and queries.

HOW TO REQUEST ACCESS TO RECORDS HELD BY EYETEK OPTOMETRIST

Requests for access to records held by Eyetek Optometrist must comply with all procedural requirements contained in the Promotion to Access of Information Act and the Protection of Personal Information Act (jointly referred to as “the Acts”) and the requests must be made on the designated request forms that are available at the end of this Manual, from our Information Officer and from the Information Regulator on their website at the following link:

https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

When a record is requested, the following guideline will apply:

1. The request must be made in writing to the Information Officer.
2. The request form must be completed.
3. On the request form all details must be completed, including the right the requester wants to protect by requesting the information.
4. If the requester is acting on behalf of someone else, the signature of the other person authorizing the request must accompany the signature of the requester.
5. The requester must state in which form (inspection of copy, paper copy, electronic copy, transcript, etc) he/she/it wants to access the information.
6. If the record is part of another record, the requester will only be entitled to access the part(s) that pertains to the information he/she/it wants or is entitled to, and not the rest of the record.
7. Fees may be payable. These fees are prescribed by law, and can change from time to time. The Fee list is a part of this manual and can be found at the end of the manual.

All requests will be evaluated against the provisions of the Acts. The Act allows the Information Officer to refuse access on the grounds as stipulated in the Act.

For the purpose of clarity, no access can be granted to another person’s confidential information, or trade- or commercial secrets of a business.

The Information Officer will revert to a request for access to information within 30 (*Thirty*) days of the request being made, and if not granted or if the requester is not satisfied, he/she/it can approach the courts within 30 (*Thirty*) days.

VOLUNTARY DISCLOSURE

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

- a. All Documentation available on our website
- b. Brochures
- c. Leaflets
- d. Promotion Documentation
- e. Privacy Policy

- f. Consent Form
- g. Covid Protocols
- h. Prices

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 are introduced that may stipulate new manners that may extend the scope of access by persons specified the list may change and accordingly the list should not be read as complete and final:

The Companies Act (No. 71 of 2008);
Income Tax Act (No. 58 of 1962);
Value Added Tax Act (No. 89 of 1991);
Labour Relations Act (No. 66 of 1995);
Basic Conditions of Employment Act (No. 75 of 1997);
Employment Equity Act (No. 55 1998);
Skills Development Levies Act (No. 9 of 1999);
Unemployment Insurance Act (No. 63 of 2001);
Electronic Communications and Transactions Act (No. 25 of 2002);
Telecommunication Act (No. 103 of 1996);
Electronic Communications Act (No. 36 of 2005);
Consumer Protection Act (No. 68 of 2008);
Broad-based Black Economic Empowerment Act (No. 53 of 2003);
National Credit Act (No. 34 of 2005);
Long-term Insurance Act (No. 52 of 1998);
The National Health Act (No. 61 of 2003);
Medical Schemes Act (No. 121 of 1998);
Medicines and Related Substances Act (No. 101 of 1965);
Children's Act (No. 38 of 2005);
Mental Healthcare Act (No. 17 of 2002);
Choice of Termination of Pregnancy Act (No. 92 of 1996);
Sterilisation Act (No. 44 of 1998);
Compensation for Occupational Injuries & Diseases Act (No. 130 of 1993);
Financial Intelligence Centre Act (No. 38 of 2001)
Occupational Health & Safety Act (No. 85 of 1993)
Health Professions Act (No. 56 of 1974).

RECORDS HELD BY EYETEK OPTOMETRIST

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

Internal Records relating to our business, which includes our business's founding and other documents; minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences; trade marks and other intellectual property; production; marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records.

Personnel records, which includes records relating to temporary employees, fixed terms employees, part-time employees, permanent employees, locums, associates, contractors, partners, directors, executive directors and non-executive directors. It further includes personal files and similar records, records that has been provided to us by third parties about their personnel; employment contracts, conditions of employment, workplace policies; disciplinary records; termination records, minutes of staff meetings; performance management records and systems and all employment-related records and correspondence.

Client/patient records, which includes client/patient lists; health records; medical reports; funding records; agreements, consents, needs assessments; financial and accounts information; research information; evaluation records; profiling; and similar information. **It must be noted that, in the health sector, personal and patient information are protected by legislation and ethical rules, and disclosure of such information can only take place, if at all, within the frameworks of such legislation.**

Supplier and service provider records, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements; communications; logs; 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. **Technical records**, which includes manuals, logs, electronic and cached information, product registrations, product dossiers, health professionals council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

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

Environment and market information, which include 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.

FEES PAYABLE FOR RECORDS OF A PRIVATE BODY

All person or entities, other than a personal requester, is required to pay a request fee as per section 54(1) of the Act. The request fee is R50.00 (at the time of the publication of this Manual, which fee may change from time to time).

The fees for reproduction referred to in section 52(3) and “access fees” payable by a requester are as follows:

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| a. | For every photocopy of an A4-size page or part thereof | R1.00 – R10.00 |
| b. | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable format | R0.00 – R75.00 |
| c. | For a copy in a computer readable form on compact disk | R70.00 |
| d. | For a transcription of visual images, for an A4-size page or part thereof | R40.00 |
| e. | For a copy of visual images per image | R60.00 |
| f. | For transcription of an audio record per A4-size page or part thereof | R20.00 |
| g. | For a copy of an audio record | R30.00 |
| h. | To search for the record for disclosure per hour or part thereof | R30.00 |
| i. | Postage fees | Private Rates |

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(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.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	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
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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:

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

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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?

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Signed at this day..... ofyear

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE