

Manual

**In terms of Section 14 of
the Promotion of Access
to Information Act, 2000
(Act No 2 of 2000)**



health

Department:
Health
REPUBLIC OF SOUTH AFRICA

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1. INTRODUCTION

This manual has been compiled in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”).

The Constitution further provides for enactment of national legislation in order to give effect to the right of access to information and to regulate the implementation thereof and that saw the subsequent coming into being of the Act, which came into operation on 9 March 2001.

The Act aims to achieve the following objectives:

- (a) to give effect to the constitutional right of access to information held by the State; and
- (b) to give effect to that right subject to justifiable limitations, including, but not limited to, reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution; and
- (c) generally, to promote transparency, accountability and effective governance of all public bodies by, including, but not limited to, empowering and educating everyone to understand their rights in terms of the Act in order to exercise their rights in relation to public bodies; to understand the functions and operations of public bodies; and to effectively scrutinise, and participate in, decision-making by public bodies that affect their rights.

2. DEFINITIONS

In this manual, unless the context otherwise indicates—

"**access fee**" means a fee payable by a requester for reproduction of the records requested;

"**Deputy Information Officer**" means a person designated, in writing, by the Information Officer for performance of the powers conferred to the Information Officer in terms of the Act as is necessary to render the Department as accessible as reasonably possible for a person requesting access our records;

"**Human Rights Commission**" means the South African Human Rights Commission referred to in section 181(1) (b) of the Constitution;

"**Information Officer**" means the Director-General of the Department or the person who is acting as such, and reference to the Information Officer shall, where appropriate, include Deputy Information Officer;

"**internal appeal**" means an appeal against the decision of the Information Officer, lodged with the relevant authority;

"**person**" means a natural person or a juristic person;

"**personal information**" means information about an identifiable individual, including, but not limited to information relating to, 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 individual; information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; any identifying number, symbol or other particular assigned to the individual; address, fingerprints or blood type of the individual; personal opinions except if they are about another individual, correspondence sent by the individual that is implicitly of a private or confidential nature or further

correspondence that would reveal the contents of the original correspondence; the name of an individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual;

"**personal requester**" means a requester seeking access to a record containing personal information about the him or herself;

"**prescribed**" means prescribed by regulation in terms of section 92 of the Act;

"**public body**" means any Department of State or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when performing public function in terms of any legislation;

"**record**" of, or in relation to, the Department, means any recorded information, regardless of form and medium, in the possession or under the control of the Department, and whether or not it was created by the Department;

"**relevant authority**", in relation to the Department, means the Minister of Health or the person designated in writing by the Minister;

"**request fee**" means a fee payable by a requester, other than a personal requester, for consideration of his or her request by the Department;

"**requester**", in relation to the Department, means any person (other than a public body) making a request for access to a record of the Department; or a person acting on behalf of the person referred to herein;

"**request for access**", in relation to the Department, means a request for access to a record of the Department in terms of section 11 of the Act;

"**the Act**" means Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

"**the Department**" means the National Department of Health;

"**the Regulations**" means Regulations to the Act, published by Government Notice No. R. 187 of 15 February 2002; and

"**third party**", in relation to a request for access to a record of the Department, means any person, other than the requester concerned and Health.

3. THE MANDATE, FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HEALTH

3.1. Mandate of the Department

- Increasing Life Expectancy.
- Decreasing Maternal and Child mortality.
- Combating HIV and AIDS and decreasing the burden of diseases from Tuberculosis.
- Strengthening Health System Effectiveness.

3.2. The functions of the Department

The Department is currently organized into six branches. The purpose and functions of the branches are as follows:

BRANCH 1: NATIONAL HEALTH INSURANCE (NHI)

Purpose: To improve health care financing and to achieve effective universal coverage for the population.

Functions:

1. The development of a policy framework to coordinate and integrate financial planning and budgeting for the Provincial Departments of Health.
2. The provision of support to the Provincial Departments of Health in determining the pricing.
3. The management of the procurement and oversee the distribution for nationally critical items or large spend items.
4. The provision of support to the Provincial Departments of Health in determining revenue and costs.

BRANCH 2: HIV/AIDS, TB, MATERNAL AND CHILD HEALTH

Purpose: To develop a policy framework and monitor the implementation thereof for the management of the HIV/AIDS, TB, Maternal Women and Reproductive Health and Child Health programmes.

Functions:

1. The development of a policy framework and monitor the implementation and management of the HIV/AIDS programmes.
2. The development of a policy framework and monitor the implementation and management of the National TB Control Program.
3. The development of a policy framework and monitor the implementation and management of the Women's, Maternal and Reproductive Health Programmes.

BRANCH 3: PRIMARY HEALTH CARE

Purpose: Ensure a world class district health system, centered on primary health care, is operating in every district in South Africa.

Functions:

1. The development and maintaining of a district health policy framework to support and enable provinces to build and maintain their district health systems.
2. The development of a policy framework to oversee the implementation and control of non-communicable diseases, mental health and oral and eye health.
3. The development of a framework to oversee the implementation and control of communicable diseases.
4. The collaboration with stakeholders to develop and maintain a policy framework to reduce, treat and manage violence and trauma.
5. The development of a policy framework to promote nutrition and reduce the burden on the curative health system.
6. The development of a policy framework to facilitate the implementation of quality norms and standards of health and development of children and young people, whereby all are protected, respected and nurtured to live their life to its full potential, while ensuring that their needs and rights are fulfilled.

BRANCH 4: HOSPITALS, TERTIARY HEALTH SERVICE AND HUMAN RESOURCE DEVELOPMENT

Purpose: To develop a policy framework to manage secondary and tertiary health services and ensure the health system has the volume and quality of clinical, technical and managerial workforce required.

Functions:

1. The development of a policy framework that supports and enable provinces to build and maintain their hospitals.
2. The ensuring of an adequate infrastructure in the health system.
3. Act as the custodian of nursing skills and capacity in the system to ensure that nurses are used effectively and appropriately.
4. To ensure that the health system has the volume and quality of clinical, technical and managerial workforce that it needs.
5. To ensure that there are appropriate pharmaceutical policies and adequate health technology in the health system.

BRANCH 5: HEALTH REGULATIONS AND COMPLIANCE

Purpose: To develop a policy framework that ensures that the public and patients are well protected via high quality and well enforced regulation.

Functions:

1. To develop regulations for Food, Pharmaceuticals, Trade and Products to ensure compliance with that policy.
2. To ensure that public health entities are operating to their operational and financial mandates.
3. The promotion of a healthy, safe and satisfactory work environment, and a healthy, active and productive worker.
4. The definition of quality standards for the health system and development of the capacity to enable institutions and individuals to meet them.

BRANCH 6: CHIEF FINANCIAL OFFICER

Purpose: To manage and facilitate the provision of financial management services.

Functions: To manage and provide:

1. Management accounting services,
2. Financial administration and accounting services,
3. Supply chain and asset management services, and
4. Oversee Conditional Grants.

LEGISLATION FALLING UNDER THE MINISTER'S PORTFOLIO

The following are functions of the Department as derived from mandates contained in various pieces of legislation administered by the Department.

The following pieces of legislation fall under the portfolio of the Minister of Health:

- **National Health Act, 2003 (Act No. 61 of 2003)**
Provides for a transformed national health system for the entire Republic of South Africa.
- **Medical Schemes Act, 1998 (Act No. 131 of 1998)**
Provides for the regulation of the medical schemes industry to ensure consonance with national health objectives.
- **Medicines and Related Substances Act, 1965 (Act No.101 of 1965)**
Provides for the registration of medicines and other medicinal products to ensure their safety, quality and efficacy. The Act also provides for transparency in the pricing of medicines.
- **Mental Health Care Act ,2002 (Act No. 17 of 2002)**
Provides a legal framework for mental health in the Republic and in particular the admission and discharge of mental health patients in mental health institutions with emphasis on human rights for mentally ill patients.
- **Choice on Termination of Pregnancy Act, 1996 (Act No.92 of 1996)**
Provides a legal framework for termination of pregnancies based on choice under certain circumstances.
- **Sterilization Act, 1998 (Act No. 44 of 1998)**
Provides a legal framework for sterilizations, also for persons with mental health challenges.

- **SA Medical Research Council Act, 1991 (Act No.58 of 1991)**

Provides for the establishment of the SA Medical Research Council and its role in relation to health research.

- **Tobacco Products Control Act, 1993 (Act No.83 of 1993)**

Provides for the control of tobacco products, prohibition of smoking in public places and advertisements of tobacco products as well as sponsoring of events by the tobacco industry.

- **National Health Laboratory Service Act, 2000 (Act No.37 of 2000)**

Provides for a statutory body that provides laboratory services to the public health sector.

- **Health Professions Act, 1974 (Act No.56 of 1974)**

Provides for the regulation of health professions, in particular, medical practitioners, dentists, psychologists and other related health professions, including community service by these professionals.

- **Pharmacy Act, 1974 (Act No 53 of 1974)**

Provides for the regulation of the pharmacy profession, including community service by pharmacists.

- **Nursing Act, 2005 (Act No. 33 of 2005)**

Provides for the regulation of the nursing profession.

- **Allied Health Professions Act, 1982 (Act No.63 of 1982)**

Provides for the regulation of health practitioners like chiropractors, homeopaths and others, and for the establishment of a council to regulate these professions.

- **Dental Technicians Act, 1979 (Act No.19 of 1979)**

Provides for the regulation of dental technicians and for the establishment of a council to regulate the profession.

- **Hazardous Substances Act, 1973 (Act No.15 of 1973)**

Provides for the control of hazardous substances, in particular those emitting radiation.

- **Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972)**

Provides for the regulation of foodstuffs, cosmetics and disinfectants, in particular, setting quality and safety standards for the sale, manufacturing and importation thereof.

- **Occupational Diseases in Mines and Works Act, 1973 (Act No.78 of 1973)**

Provides for medical examinations on persons suspected of having contracted occupational diseases especially in mines and for compensation in respect of those diseases.

- **Human Tissue Act, 1983 (Act No.65 of 1983)**

Provides for the administration of matters pertaining to human tissue.

Entities Reporting to the Minister

Three Public Entities, the South African Medical Research Council; National Health Laboratory Services and Council for Medical Schemes report to the Minister of Health. Four statutory councils, Health Professions Council of South Africa; the South African Nursing Council; South African Pharmacy Council, and the Dental Technicians Council also report to the Minister.

Name of Entity	Legislation	Nature of Business
Council for Medical Schemes	Medical Schemes Act, 1998 (Act No. 131 of 1998)	Regulates the Private Medical Scheme Industry.
South African Medical Research Council	South African Medical Research Council Act, 1991 (Act No. 58 of 1991)	The objectives of the council are to promote the improvement of health and quality of life through research, development and technology transfer.
National Health Laboratory Services	National Health Laboratory Service Act, 2000 (Act No. 37 of 2000)	The service supports the Department by providing cost effective laboratory services to all public clinics and hospitals.
Health Professions Council of SA	Health Professions Act, 1974 (Act No. 65 of 1974)	Regulates the medical, dental and related professions.
SA Nursing Council	Nursing Act, 2005 (Act No. 33 of 2005)	Regulates the nursing profession.
SA Pharmacy Council	Pharmacy Act, 1974 (Act No. 53 of 1974)	Regulates the pharmacy profession.
Dental Technicians Council	Dental Technicians Act, 1979 (Act No. 19 of 1979)	Regulates the dental technicians profession.

3.3. The Structure of the Department of Health

OFFICE / BRANCH	CHIEF DIRECTORATES / DIRECTORATES
Office of the Director-General	<ul style="list-style-type: none"> • Chief Operating Officer Policy Coordination and Integrated Planning; Provincial Finance Management Support; Health Information, Research and Monitoring and Evaluation • Corporate Services; Information Technology; Security Services; Chief Directorate: Human Resource Management and Development; Chief Directorate: Legal Service and Parliamentary Affairs; Chief Directorate: Communications and Stakeholders Management; and Support Services. • Health International Development and Support. • Internal Audit and Risk Management. • Health Sector Bargaining.
BRANCH 1: NATIONAL HEALTH INSURANCE (NHI)	<p>Chief Directorate: Health Financing and Pricing. Chief Directorate: Sector-Wide Procurement. Chief Directorate: Revenue Collection.</p>
BRANCH 2: HIV/AIDS, TB, MATERNAL AND CHILD HEALTH	<p>HIV/AIDS. Tuberculosis. Maternal Health. Child, Youth and School health.</p>
BRANCH 3: PRIMARY HEALTH CARE	<p>District Health Service and Environmental Health. Non Communicable Diseases. Communicable Diseases. Violence, Trauma and Emergency Medical Services. Health Promotion and Nutrition.</p>

OFFICE / BRANCH	CHIEF DIRECTORATES / DIRECTORATES
BRANCH 4: HOSPITALS, TERTIARY HEALTH SERVICE AND HUMAN RESOURCE DEVELOPMENT	Chief Directorate: Tertiary Health Care Planning and Policy; Office of Nursing Services; Human Resource for Health Planning, Development and Management; and Pharmaceutical and Health Technology Policy.
BRANCH 5: HEALTH REGULATIONS AND COMPLIANCE	Food Control, Pharmaceutical, Trade and Products Regulations; Public Entities Management; Occupational Health and Compensation Commissioner for Occupation Diseases; and Office of Standards and Compliance.
BRANCH 6: CHIEF FINANCIAL OFFICER	Chief Directorate: Management Accounting and Management of Conditional Grants Chief Directorate: Financial Administration and Accounting; and Chief Directorate: Supply Chain and Asset Management.

4. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER OF THE DEPARTMENT

4.1. INFORMATION OFFICER

Director-General: Health	POSTAL ADDRESS	TELEPHONE	FAX NUMBER
	Private Bag X828 PRETORIA, 0001	012 – 395 9150	012 395 8422

4.2. DEPUTY INFORMATION OFFICER

Mr G J Wissing: Director: Legal Services	POSTAL ADDRESS	TELEPHONE	FAX NUMBER
	Private Bag X828 Pretoria 0001 Email: wissing@health.gov.za	012 395-8457	086 632 8511

General information:

Street address:

Civitas Building
Cnr Thabo Sehume and Struben Streets
Pretoria
0001

Website: www.doh.gov.za

The function of the Deputy Information Officer of the Department is to ensure transparent, accountable, professional and efficient client services in managing requests for access to information as prescribed in the PAIA and to provide guidance relating to the accessibility of records kept by the Department in terms of the PAIA.

5. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

A guide on how to use the Act is available in all official languages from the South African Human Rights Commission.

Enquiries regarding this guide should be addressed to:

South African Human Rights Commission:
Promotion of Access to Information Unit

Postal address:

Private Bag 2700
Houghton
2041

Telephone: 011-877 3600

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

6. ACCESS TO RECORDS HELD BY THE DEPARTMENT

6.1. Records that are available automatically

The records listed below are available to any interested person free of charge and without a request via the Deputy Information officer, alternatively via the Department's website at www.doh.gov.za:

- Annual Reports;
- Audit Reports;
- Acts, Bills and Regulations relevant to the Department;
- Policy documents;
- Guidelines;
- Statistics in so far as its being kept;
- Forms;
- Research in the public domain; and
- Press releases.

6.2. The request procedures

- ***Granting or refusal of request:*** A requester must be given access to a record of a public body if the requester complies with the following:
 - The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
 - Access to that record is not refused on any ground of refusal mentioned in the Act.
- ***How do I request access to a record:***
 - A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
 - The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of

the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.

- If a person asks for access in a particular form (e.g. a paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in another form, then the fee must be calculated according to the way that the requester first asked for it.
 - If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
 - If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
 - If a requester is unable to read or write, or has a disability, then the request can be made orally. The Information Officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.
-
- **Particulars required in the prescribed form**

The requester must at least, in the prescribed form, provide the following information:

- (a) sufficient particulars to enable the Information Officer to identify the record or records requested;
- (b) to indicate the said form how he or she would like to be furnished with the information (fax, post or e-mail);
- (c) to specify his or her postal address or fax number in the Republic;

(d) if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

- ***Fees payable for a request and notification of decision on access***

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35.
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the Information Officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

- **Assistance from the Information Officer**

The Information Officer must provide reasonable assistance to a requester who informs him or her that he wishes to make a request for access to a record of the Department, free of charge as is necessary to enable that requester to comply with the procedural requirements for lodging a request for access.

An individual who because of illiteracy or a disability is unable to make a request for access to a record of the Department may make that request orally. The Information Officer must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

If the Information Officer receives a request for access that relates to a record that is in possession of another body, he must transfer that request to the said body and inform the requester accordingly.

- **Assistance from the Human Rights Commission**

The Human Rights Commission must, upon request and if reasonable possible, offer assistance to any person wishing to exercise any right contemplated in the Act. The Human Rights Commission can, in this regard, be contacted through the contact details mentioned in this manual.

- **Banking details for application**

Account name	Department of Health
Bank	ABSA
Account number	4053643510
Branch code	632005
Reference	PAIA/ and the requester's name
	<i>Please fax / e-mail proof of payment to: Fax No: 086 632 8511</i>

7. SERVICES AVAILABLE TO THE PUBLIC

The Department develops policies to regulate the public health sector to ensure that South Africa has a health service that meets international requirements and standards.

The Department also renders a laboratory service to the public through its forensic laboratories. The Radiation Control Unit is responsible for inspections of radiation equipment ensuring that the industry complies with norms and standards.

8. PUBLIC PARTICIPATION IN THE POLICY AND LEGISLATIVE PROCESSES AND PERFORMANCE OF DUTIES OF THE DEPARTMENT

8.1. Public participation in the policy and legislative processes of the Department

The various laws in health prescribe that consultation must take place with identified persons or bodies and in some cases the processes of consultation are also prescribed. In the Department, draft policy will be published in the Government Gazette for general comment from all role players and the public at large. In specific policy initiatives, policy will be discussed in meetings with role players or in public hearings. Notice of such meetings or hearings will always be given prior to the meeting.

8.2. Invitations for inputs on draft legislation

The Department administers various pieces of legislation which inform the core functions of the Department and whenever a certain piece of legislation is drafted or amended, invitations are issued to members of the public through the *Government Gazette* to submit their comments or representations for consideration before a piece of legislation is finalised. The same apply to any regulations.

9. DECISION TO GRANT OR REFUSE ACCESS AND NOTICE TO THE REQUESTER

- **Right of access to records of the Department**

A requester must be given access to information held by the Department, if his or her request complies with all the procedural requirements in the Act, as well as if granting of access to that information is not prohibited in terms of any of the grounds for refusal in the Act.

- **Decision by the Information Officer**

In compliance with the Act and in order to give effect to the right of access to information, the Information Officer must as soon as reasonably possible, but in any event within 30 days after the request for access is received, consider the request and make a decision terms of the Act whether or not to grant access to the information requested.

In considering the request, the Information Officer must satisfy himself of the following:

- (a) The procedural requirements prescribed in terms of section 18 of the Act must be complied with (the prescribed form must be fully completed with sufficient particulars in order to identify the records requested and the requester must, if the request is lodged on behalf of another person, submit a power of attorney or letter of authority in respect to lodge the request); and
- (b) granting of access to the information requested must not be prohibited in terms of any of the grounds for refusal mentioned.

Once all of the above have been satisfied, the information officer must inform the requester whether or not access will be granted and a requester, other than a personal requester, must be requested to pay the request fee before further processing of the request.

- **Fees**

The Act provides for two types of fees, firstly, the requester, other than a personal requester, must pay a request fee for search and preparation of the record, secondly a requester must pay access fees for reproduction of the information requested (charged per copy or otherwise, see table of fees in Annexure C).

(i) are only likely to **unreasonably** waste the resources of the Department.

- **Mandatory disclosure in public interest**

A request for access to a record that could otherwise be refused in terms of the grounds for refusal must however be granted if—

- (i) disclosure of the record is in the public interest; and
- (ii) public interest in the disclosure of the record clearly outweighs the harm contemplated in the ground for refusal.

- **Application of the Act**

- (a) The Act applies to a record of Department, regardless of when the record came into existence.
- (b) The Act applies to the exclusion of other legislation which prohibits disclosure of a record if that legislation is materially inconsistent with the objects of the Act.
- (c) The Act does **not** prohibit the use of other law that provides for access to information.

- (d) The Act does **not** apply to a record of the department if the record is requested for purposes of criminal or civil proceedings after the commencement of the proceedings.

- **Notice to third party**

If the information officer receives a request for access to a record held by the Department that contains -

- (a) personal information of a third party;
- (b) information that was obtained for purposes of enforcing collection of revenue;
- (c) trade secrets of a third party;
- (d) information supplied in confidence by a third party; and
- (e) research information of a third party,

he or she must take all reasonable steps to inform the third party concerned about the request in order to afford that third party an opportunity to make representations regarding whether or not the information may be divulged.

- **Notice to the requester**

Information officer must inform the requester about the decision taken on his or her request for access within 30 days of receipt of the request.

- (a) Notice to the requester if access is **granted**—
 - (i) must indicate the form in which access will be granted; and
 - (ii) fees payable
- (b) Notice to the requester if access is **refused**—

- (i) must indicate reasons for refusal, including the ground(s) for refusal, in the Act, relied on to refuse the request; and
- (ii) must inform the requester of his right to lodge an appeal against the decision.

- **Extension of period to deal with request for access**

The information officer may extend the 30 days period of dealing with a request for access once for a period of not more than 30 days—

- (a) if the processes involved in the search and preparation of the record may reasonably be expected to take longer than the 30 days period; and
- (b) must notify the requester of the said extension (with adequate reasons).

- **Deemed refusal of request**

If the information officer fails to take a decision on the request within the applicable time limits, he or she will be regarded as having refused the request and the requester may lodge an appeal against the refusal.

- **Forms of access**

Access to a record may be granted in the following forms:

- (a) if record is in a written form: printed copy or inspection of the record;
- (b) if record is in form of visual images: arrangements to view images or copy of transcription of the record;
- (c) if record is in form of a sound: arrangements to hear sounds or copy of transcription of the record; or
- (d) if record is in computer, electronic or machine-readable form: a printed copy of the record.

10. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

10.1. Internal Appeal

- **Right of internal appeal**

A requester who has been aggrieved by the decision of the Information Officer may lodge an internal appeal with the relevant authority against the said decision.

- **Manner of lodging an internal appeal**

An internal appeal must be lodged in the prescribed form (see Annexure B) –

- (a) within 60 days after the requester is informed of the decision taken on his or her request;
- (b) must identify the subject of the internal appeal, as well as provide reasons for the said appeal; and
- (c) must be submitted to the Information Officer who must forward the same, within 10 days, to the relevant authority.

- **Notice to third party about the appeal**

If the request for access is in relation to a record of a third party, that third party must be informed about the appeal.

- **Appeal fees**

A requester lodging an internal appeal against the refusal of request for access must pay the prescribed appeal fee before the appeal may be considered by the relevant authority.

10.2. Application to court

A requester who has been unsuccessful in an internal appeal may, within 30 days of receipt of notice of the decision on his or her appeal, apply to court for appropriate relief.

11. MISCELLANEOUS

- **Availability of the manual**

Immediately after the manual has been compiled in terms of section 14(1) of the Act or updated in terms of section 14(2), the information officer of Health must make available a copy of the manual in each of the three official languages in which the manual is compiled—

- (a) to the Human Rights Commission;
- (b) at the Department;
- (c) on the website, if any, of the Department; and
- (d) may publish the manual in the *Gazette*.

13. ANNEXURES

13.1. Annexure A

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 2]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____ (state rank, name and surname of information officer/deputy information officer) on _____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

**SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION OFFICER**

A. Particulars of public body

The Information Officer/Deputy Information Officer:

Mr G J Wissing
Deputy Information Officer
Department of Health
Private Bag x828
PRETORIA, 0001

B. Particulars of person requesting access to the record

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

Full names and surname	
Identity number:	
Postal address:	
Telephone number	
Fax number	
Email 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 only if a request for information is made on behalf of another 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 therefore.

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:
-------------	-----------------------------------

Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends 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 (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? A postal fee is payable.+	YES	NO

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. 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 thereof 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**

13.2. Annexure B

FORM B: NOTICE OF INTERNAL APPEAL



FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:
--

A. Particulars of public body

The Information Officer/Deputy Information Officer:

Department of Health

Mr G J Wissing
Deputy Information Officer
Department of Health
Private Bag x828
PRETORIA, 0001

B. Particulars of requester/third party who lodges the internal appeal

- | |
|---|
| <p>(a) <i>The particulars of the person who lodge the internal appeal must be given below.</i></p> <p>(b) <i>Proof of the capacity in which the appeal is lodged, if applicable, must be attached.</i></p> <p>(c) <i>If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.</i></p> |
|---|

Full names and surname:.....

Identity number:.....

Postal address:.....

.....

.....

.....Fax number:.....

Telephone number:.....E-mail address:.....

Capacity in which an internal appeal on behalf of another person is lodged:.....

.....

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal

Full names and surname:.....

.....

Identity number:.....

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	<i>Refusal of request for access</i>
<input type="checkbox"/>	<i>Decision regarding fees prescribed in terms of section 22 of the Act</i>
<input type="checkbox"/>	<i>Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act</i>
<input type="checkbox"/>	<i>Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester</i>
<input type="checkbox"/>	<i>Decision to grant request for access</i>

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

You must sign all the additional folios.

State the grounds on which the internal appeal is based:.....

.....

.....

State any other information that may be relevant in considering the appeal:

.....

.....

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:.....

Particulars of manner:.....

Signed atthis.....day of.....20.....

SIGNATURE OF APPLICANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on _____ (date)

By _____ (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and where applicable, the particulars of any third party to whom the record relates, submitted by the information officer/deputy information officer on(date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION:

.....

.....

.....

.....

.....

.....

DATE _____ RELEVANT AUTHORITY _____

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date):.....

.....

13.3. Annexure C

Table of Fees

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for the reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) for a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) for a copy of visual images	60,00
(e) (i) for a transcript of an audio record, for an A4-size page or part thereof	12,00
(ii) for a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester referred to in regulation 7(2) is R35.00.

4. The access fee payable by a requester referred to in regulation 7(3) are as follows:
R

- | | | | |
|-----|-----|--|-------|
| (1) | (a) | for every photocopy of an A4-size page or part thereof | 0,60 |
| | (b) | for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,40 |
| | (c) | for a copy in a computer-readable form on— | 40,00 |
| | (i) | CD/DVD | |
| | (d) | (i) for a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| | | (ii) for a copy of visual images | 60,00 |
| | (e) | (i) for a transcription of an audio record, for an A4-size or part thereof | 12,00 |
| | | (ii) for a copy of an audio record | 17,00 |
| | (f) | To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation. | |
| (2) | | For purposes of section 22(2) of the Act, the following applies: | |
| | (a) | six hour as the hours to be exceeded before a deposit is payable; and | |
| | (b) | one third of the access fee is payable as a deposit by the requester. | |
| (3) | | The actual postage is payable when a copy of a record must be posted to a requester. | |