

# Access to Information Manual

in terms of section 51 of  
the Promotion of Access to Information  
Act 2 of 2000 (as amended)

**Version 1**

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## Introduction

This Access to Information Manual ('Manual') is prepared in compliance with the Promotion of Access to Information Act 2 of 2000 ('PAIA') and the Protection of Personal Information Act 4 of 2013 ('POPIA'). In terms of this legislation, everyone has the right to access their personal information that is processed by a private body or responsible party, such as The Healthforce Group. The purpose of this Manual is to enable requesters to get access to the records to which they are entitled in a quick, easy, and accessible manner.

## General Definitions

"CEO" Chief Executive Officer

"DIO" Deputy Information Officer;

"IO" Information Officer;

"Minister" Minister of Justice and Correctional Services;

"PAIA" Promotion of Access to Information Act No. 2 of 2000( as Amended) ;

"POPIA" Protection of Personal Information Act No.4 of 2013;

"Regulator" Information Regulator; and

"Republic" Republic of South Africa

## Overview of Healthforce

This Manual applies to all information held by the Healthforce Group of Companies (hereinafter referred to as "Healthforce Group") which consists of the following Companies:

1. Healthforce (Pty) Ltd (registration number 2018/344681/07) ("Healthforce");
2. Kena Health (Pty) Ltd (registration number 2019/172268/07) (Kena);

any company which is from time to time, a subsidiary or holding company (as those terms are defined in the Companies Act, 2008) of Healthforce or a subsidiary (other than Healthforce) of a holding company of Healthforce.

## Company Contact Details

The responsibility for administration of any information requests lies with the Information Officer and all requests should be directed to the below contact details.

Information Officer:	Saul Kornik
Deputy Information Office:	Chantal Hadfield
Address:	The Bank 24 Cradock Ave

Email:  
Website:

Rosebank  
2196  
care@healthforce.io  
www.healthforce.io; www.kena.health

## PAIA Guide

The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

This Guide contains, amongst others, the following information:

- The purpose of PAIA;
- The manner, form, and costs of a request for access to information held by a body;
- Legal remedies when access to information is denied;
- Assistance that the Information Regulator can provide;
- Mechanisms to obtain the contact details of Information Officers;
- Relevant legislation.

The Guide is available in all the official languages on the website (<https://www.justice.gov.za/inforeg/>) of the Information Regulator or can be obtained upon request from the Information Regulator.

As of 30 June 2021, the Information Regulator will be taking over the regulatory mandate functions relating to the Promotion of Access to Information Act (PAIA) 2000.

Postal address:	The Information Regulator (South Africa) PO Box 31533 Braamfontein 2017
Telephone number:	+27 10 023 5207
Fax number:	+27 11 403 0668
PAIA Complaints email:	PAIAComplaints@inforegulator.org.za.
POPIA Complaints email:	POPIAComplaints@inforegulator.org.za
General enquiries email:	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>

## Automatic Disclosure

Records that are automatically available to the public are:

- All records in booklets, brochures, pamphlets, and magazines (if any) published by the Healthforce Group or any of its agents or representatives for distribution to the public relating to the Healthforce Group services.

- News and other marketing information.
- Information on the Healthforce Group's websites are automatically available without having to request access by completing Form 2. Access and usage of the information on the website are subject to the Website Terms and Conditions as well as the Privacy Policy of the Healthforce Group.

A requester may request a copy of a record referred to above and must be provided with such copy, upon payment of the fee for reproduction.

## Records Available in terms of Other Legislation

A requester may also request information that is available in terms of other legislation and may request access to related information outside this process. This includes the following legislations:

- Basic Conditions of Employment Act 75 of 1997
- Children's Act 38 of 2005
- Companies Act 71 of 2008
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Disaster Management Act 57 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Health Professions Act 56 of 1974 and Nursing Act 33 of 2015
- Income Tax Act 58 of 1962
- The Labour Relations Act 66 of 1995
- Medical Schemes Act 131 of 1998
- Medicines and Related Substances Act 101 of 1965
- National Credit Act 34 of 2005
- National Health Act 61 of 2003
- Occupational Health and Safety Act 85 of 1993
- Pharmacy Act 53 of 1974
- Unemployment Insurance Act 63 of 2001
- Value-added Tax Act 89 of 1991

The above list is non exhaustive. The Healthforce Group will make Information and records held in terms of any of the abovementioned legislation available in terms of the provisions of the relevant legislation, but without prejudice to the provisions of the Promotion of Access to Information Act.

## Subject Categories of Records

The Healthforce Group maintains records on the following categories and subject matters.

Categories of Data Subjects	Personal Information That May Be Processed
Company and group company records	<ul style="list-style-type: none"> <li>• Documents pertaining to private companies as required by the Companies Act 71 of 2008, including, but not limited to the</li> </ul>

	prescribed certificates, memorandum and articles of association, forms and registers of directors and shareholders, company rules, minute books, resolutions, and shareholders' agreements.
Employment	<ul style="list-style-type: none"> <li>• Employment contracts; conditions of employment and workplace policies such as leave policies; employment equity and skills development plans and reports; salary and wage register; documents related to disciplinary proceedings, arbitration awards, CCMA (Commission for Conciliation, Mediation and Arbitration) and other legal cases; expense accounts; performance management records; relevant tax records and information pertaining to employees.</li> </ul>
Financial Records	<ul style="list-style-type: none"> <li>• Annual financial statements, including directors' reports; auditor's reports; accounting records; bank statements; invoices, statements, receipts and related documents; copies of tax returns and documents relating to income tax and VAT, including payments made and VAT registration</li> </ul>
Health and Safety Records	<ul style="list-style-type: none"> <li>• Evacuation plan; information related to the Health and Safety Committee / Officer; health and safety incident reports.</li> </ul>
Third-party Records	<ul style="list-style-type: none"> <li>• This includes, without limitation, financial records, correspondence, contractual records, Statutory and insurance records provided by the other party (for example healthcare practitioners, third-party beneficiaries or employees of a client), and records that third parties have provided about the Healthforce Group's contractors or suppliers.</li> <li>• The Healthforce Group may possess records pertaining to other parties. This includes, but is not limited to, contractors, suppliers and service providers.</li> </ul>
Agreements	<ul style="list-style-type: none"> <li>• Medical Scheme and Medical Insurer agreements; Technology service agreements; agreements concerning the provision or servicing of infrastructure, goods and services or materials; agreements with consultants, contractors, and suppliers; and debt collection agreements; agreements with service providers.</li> </ul>
Record relating to legal matters	<ul style="list-style-type: none"> <li>• Complaints; legal documents; and legal opinions.</li> </ul>
Risk and Compliance Records	<ul style="list-style-type: none"> <li>• Contracts; Policies and Procedures; Risk Assessment; and other compliance Records.</li> </ul>
Customer Records	<ul style="list-style-type: none"> <li>• Demographic, financial information; transactional records and servicing records (contact centre interactions), medical records, referral notes, sick notes, Personal opinions and views (customer survey records)</li> </ul>

## The Purpose for Processing your Personal Information

Healthforce Group Users shall only Process Personal Information of Data Subjects provided that they know and understand the purpose for which the Personal Information is being Processed and that such Processing does not exceed what is required to achieve the purpose for which Personal Information was collected.

The Healthforce Group will only collect and Process your Personal Information for specific, explicitly defined and lawful purposes that relate to a function or activity of Healthforce, which include the following:

- to provide our Services to you;
- for operational purposes including the creation, maintenance and storage of your Personal Information in an electronic medical record;
- to compile and maintain the newsletter database and for the purposes of direct marketing, to which you consent;
- to register and authenticate users of our website and applications;
- to maintain information submitted by you in respect of competitions and promotions from time to time;
- to compile de-identified statistical information about browsing habits, click patterns and access to our website(s);
- to evaluate the use of our website(s) and Services;
- to analyse the effectiveness of our advertisements, competitions and promotions;
- to provide information to you and relevant funders on request, as authorised by you or permitted in terms of the law;
- to provide healthcare practitioners who use our technology platform access to your electronic medical records with your consent;
- to allow healthcare practitioners who have provided Medical Services to you to use the information for billing purposes;
- for historical, statistical and research purposes;
- for auditing purposes;
- to submit claims to medical schemes, health insurers and voucher providers for services provided to you;
- for compliance with legal obligations;
- to notify you of any health-related information, updates or reminders that are relevant to you; and
- for any other purpose related to our functions or activities.

To the extent practicable, Healthforce will only process your Personal Information if you consent to such processing. Where it is not possible or practicable to obtain consent, Healthforce may justify the processing of Personal Information on another ground, which may include one or more of the following:

- the Processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party;
- the Processing protects a legitimate interest of yours;
- the Processing complies with an obligation imposed by law on Healthforce;
- the Processing is necessary for pursuing the legitimate interests of Healthforce or of a third party to whom the information is supplied.

## Processing of Personal Information

The Healthforce Group Processes the following Personal Information/Special Personal Information relating to the following categories of Data Subjects, including but not limited to:

Natural Persons	
Any person visiting or sending enquiries over the website	Name, surname, telephone numbers, email address.
Any person creating an account on and using the platform.	Name, surname, identity numbers / dates of birth, telephone numbers, email address, age, location data, evaluation of experiences, internet protocol address, bank account details, personal opinions, pictures and photographs, medical history; health information, including diagnoses and procedures performed, transaction details of the services that were rendered to you, and correspondence.
Directors/Employees/Contractors/New or Possible New Recruitments	Name, surname, South African identity number or other identifying number, contact details, physical and postal address, date of birth, age, marital status, race, disability, information, statutory council registration numbers; occupations / registered professions; employment history, criminal background, CVs, education history, banking details, income tax reference number, remuneration information, details related to employee performance, disciplinary procedure information, training records; and next-of-kin and dependant details.
Juristic Person	
Service Providers/Hosted Services.	Entity name, payment information including bank account numbers, invoices, contractual agreements, addresses, contact details.
Corporate Clients	Entity name, registration number, tax-related information, contact details for representatives, banking information including account numbers.

## Recipients To Whom Personal Information May Be Supplied

In order to provide you with our Services and Medical Services by relevant healthcare providers, we are required to share your Personal Information with the following third-parties:

- healthcare practitioners who treat you (with your consent);
- relevant funders and voucher providers, if necessary, including Medical Schemes or their administrators;
- other persons, including family members, only if we are authorised to communicate with them in terms of the law or otherwise with your consent;
- any relevant third party in the course of an acquisition, sale, transfer, reorganisation, or merger of parts of our business or our assets;
- our internal quality teams as part of our quality standards and oversight processes;
- members of our internal support team; and
- members of our development team.
- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data



- Anyone making a successful application for access in terms of PAIA

## Cross Border Transfer of Personal Information

The Healthforce Group may, under certain circumstances, transfer Personal Information to a jurisdiction outside of the Republic of South Africa in order to achieve the purpose(s) for which the Personal Information was collected and processed, including for Processing and storage by authorised third-party Service Providers.

The Healthforce Group may only transfer Personal Information to a third party in a foreign country in any of the following circumstances:

- Where the Data Subject has consented to the proposed transfer,
- Where the transfer is necessary to perform a concluded contracts and the legitimate interest of the Healthforce Group, and
- Where the third-party Service Provider is bound by an Operator agreement which complies with the requirements of this Policy.
- Where the third-party Service Provider are subject to agreements that provide an adequate level of protection as required in terms of section 72 of POPIA.

## Security Safeguards

The Healthforce Group will secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable technical, and organisational measures to prevent loss, damage, unauthorised destruction, or unlawful access to Personal Information.

Healthforce will take reasonable measures to:

- identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;
- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

Where there are reasonable grounds to believe that Personal Information has been accessed or acquired by an unauthorised person, the Healthforce Group will take steps, as soon as reasonably possible, to notify the Data Subject and the Information Regulator.

## Access Procedure

- In terms of PAIA, a requester may be granted access to the records held by a private body, subject to the records being required for the exercise or protection of any right.
- If a public body lodges a request, the public body must be acting in the public interest.
- Access to records and Personal Information is not automatic, and any person who would like to request access needs to complete access [Form 2](#).

- The requester must provide:
  - sufficient detail on the request form to enable the Deputy Information Officer to identify the record; and
  - Proof of identity of the requestor, including email address, and postal address
  - must identify the right he/she is seeking to exercise or protect and explain why the record requested 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 request is made to the satisfaction of the Deputy Information Officer.
- The Healthforce Group will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods could not be complied with.
- Access to the requested records or information or parts of the records or information may be refused in terms of the law.
- Requesters will be advised of the outcome of their requests.

## Ground for refusal of access to records

The Healthforce Group may refuse a request for information on the following basis:

- Mandatory protection of the Personal Information, Special Personal Information, or privacy of a third party who is a natural person (including children), if supplying the information would involve the unlawful or unreasonable disclosure of Personal Information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets or intellectual property of that third party;
  - Financial, commercial, scientific, or technical information, if the disclosure would likely cause harm to the financial or commercial interests of that third party; or
  - Information disclosed in confidence by a third party to the Healthforce Group if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records that would be regarded as privileged in legal proceedings.
- The commercial activities of the Healthforce Group, which may include:
  - Trade secrets of the Healthforce Group;

- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Healthforce Group;
  - Information which, if disclosed, could put the Healthforce Group at a disadvantage in negotiations or commercial competition;
  - A computer program which is owned by the Healthforce Group and which is protected by copyright.
- The research information of the Healthforce Group or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
  - Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **Fees Payable To Obtain The Requested Records Or Information.**

Fees may be charged for requesting and accessing information and records held by the practice. These fees are prescribed in terms of PAIA. Details of the fees payable may be obtained from the Information Officer. The fees are also available from the Information Regulator.

## **Availability Of This Manual**

A copy of this Manual is available for inspection, free of charge, at the Healthforce Group offices and on the website. A copy of the Manual may also be requested from the Information Officer against payment of a fee as may be advised.

## **Annexures**

- Form 02: Request for Access to Record [Regulation 7]
- Form 03: Outcome of request and of fees payable [Regulation 8]
- Form 04: Internal Appeal Form [Regulation 9]