



PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

MOTSHUDI BERGMAN ROSS INCORPORATED (MBRI)

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MOTSHUDI BERGMAN ROSS INCORPORATED (MBRI)

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act") for Motshudi Bergman Ross Incorporated ("MBRI"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and the information held by another person or entity, whether such information is required by someone to protect his/her rights.

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 application being made in terms of the Act.

1. Introduction

MBRI is a private practice in the field of Radiology. We specialise in diagnostic Radiology services to private and public patients. We operate 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").

2. Availability of this manual

A copy of this Manual is available:

- On request from our Information Officer/Deputy Information Officer(s)
- On our website: www.mbri.co.za

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

3. Our information officer and deputy information officer (s)

Information Officer:

MD:	Dr Jack Wilfred Bergman
Physical Address:	Unit 9A, N1 City Mews, Manus Gerber Street, Goodwood 7560
Postal Address:	PO Box 21716 N1 City 7463
Telephone number:	+27 21 595 2515
Email Address:	io@mbri.co.za

Deputy Information Officer:

Radiographic Technical Manager: Ms Yvette Hechter

Physical Address: Unit 9A, N1 City Mews,
Manus Gerber Street, Goodwood
7560

Postal Address: PO Box 21716
N1 City
7463

Telephone number: +27 21 595 2515

Email Address: io@mbri.co.za

4. South African Human Rights Commission guide

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission
27 Stiemens Street
Braamfontein
2017

Telephone: +27 (0)11 877 3600 (Switchboard)
General information: info@sahrc.org.za / tsebulela@sahrc.org.za
Complaints: complaints@sahrc.org.za
Website: www.sahrc.org.za

5. Guidelines for requesting access to information

Information may be requested in accordance with the procedure and terms as contained in the Act. The prescribed forms for completing such a submission are available from the Information Officer. All requests will be evaluated in terms of the provisions of the Act and it must be noted that allowance is made for the Information Officer to refuse access to information on the grounds as stipulated within the Act.

6. Request procedure for records held by MBRI

To submit a request for access to records held by MBRI, the submission must be made by completing the prescribed request form and sending it to itsupport@mbri.co.za and copy the Information Officer in as per the contact details listed in this document. Please note that the completion and submission of an access request form do not automatically constitute the requester the desired access to information. Each application for access to information is subject to certain limitations if the records requested fall within a certain category as specified with Part 3 and Chapter 4 of the Act. The prescribed access fee and request fee as may be applicable will be charged and details of the fee structure are available on the website of the South African Human Rights Commission, www.sahrc.org.za. The prescribed form is also available on our website, www.mbri.co.za.

When requesting a record or access to information, the following will apply:

- A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record.
- To request information/records, the applicable request form must be completed and returned to itsupport@mbri.co.za and the Information Officer and Deputy Information Officer copied in the email.
- The request form must be filled in with enough detail/information to enable the information officer to identify the following:
 - ✓ The patient details – ID number and correct name/surname
 - ✓ The record or records requested
 - ✓ The identity of the requester (copy of ID attached)
 - ✓ Electronic email address of the requester
 - ✓ The requester must agree not to breach the confidentiality of the patient information stored in these records
 - ✓ The requester must also provide sufficient reason as to why the record is required to exercise and protect the patient's rights
- MBRI will process the request within the required time as prescribed in the Act unless there are stated special reasons which the Information Officer/Deputy agree to that will alter the prescribed time.
- The requester will be informed in writing whether access has been granted or denied. Any objection to the decision of the Information Officer/Deputy can be logged in writing for further consideration by MBRI.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made for the Information Officer/Deputy to make an informed decision regarding the request.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, the person may make the request orally to the Information Officer/Deputy and/or should a requester require the assistance of the Information officer/Deputy in obtaining any record held by MBRI, such assistance will be provided by the Information Officer/Deputy.
- Upon receipt of the request, where applicable, the Information Officer/Deputy will inform the third party (patient) affected by the request within 21 days of receipt of the request. The third party must inform the Information Officer/Deputy why such information should not be made available to the requester within the specified period.

Decision: MBRI shall, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which MBRI must decide whether to grant or refuse a request may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information, older than the retainer period stated by the HPCSA and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

Note: All requests must be accompanied by Identification numbers and full signatures of the requester before requests will be accepted and processed. A copy of the Identification document must also accompany the request.

All records will be distributed to the requester electronically (via the email address supplied) and feedback will be given if records must be collected in person from any of our branches.

An initial request fee of R57.00 (including VAT) is payable on submission – although the fee does not apply to persons requesting access to records containing their personal information.

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

7. Refusal of access to information

The main reasons for refusing access to information as per sections 34-46 of the Act are:

- Mandatory protection of the privacy of a third party (natural person) related to the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party if the record contains sensitive details that could if disclosed, cause harm to the business interests of that party.
- Any information provided in confidence by a third party to MBRI if such disclosure could result in that third party being disadvantaged in commercial competition or negotiations.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals at the protection of property.
- Mandatory protection of records that may be viewed as privileged in legal proceedings.

8. Voluntary disclosure

The following information is made known automatically on the MBRI website and persons do not have to request such information.

i. Records available in terms of other legislation

Certain information is available as per the provisions contained in the following legislation (as amended) to the specified person(s) or entities with the parameters of the Act. However, as legislation changes, new laws may give rise to changes in the scope of access and, as such, the below list should not be viewed as exhaustive.

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 55 of 1998
- Health Professionals Act 56 of 1974
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Promotion of Access to Information Act 2 of 2000
- Regional Services Councils Act 109 of 1985
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Electronic Communications and Transactions Act 25 of 2002
- Telecommunications Act 103 of 1996

- Electronic Communications Act 36 of 2005
- Consumer Protection Act 68 of 2008
- Broad-Based Black Economic Empowerment Act 53 of 2003
- National Credit Act 34 of 2005
- Long-term Insurance Act 52 of 1998
- National Health Act 61 of 2003
- Medical Schemes Act 121 of 1998
- Medicines and Related Substances Act 101 of 1965
- Children's Act 38 of 2005
- Mental Healthcare Act 17 of 2002

ii. Records held by MBRI

The following broad categories of records are held by MBRI who, in complying with the stipulations of the Act, will strictly adhere to the evaluation processes before granting access to such information under sections 62 to 69 of the Act. These records are not necessarily available in terms of the Act.

- Legal agreements and contracts
- Insurance records
- Operational records
- Internal policies and procedures
- Financial and accounting records
- Statutory records
- Marketing information
- Human Resources records and employee information (past, present, permanent and contractors)
- Patient records – *please note that strict regulations are governing the disclosure of such information and these details are protected by prevailing legislation*
- External vendor and service provider records
- Information Technology, infrastructure and technical details

iii. Other information as may be prescribed (Section 51(1)(F)):

Not applicable.

9. Fees in respect of records requested from private bodies as per SAHRC

The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof. The reproduction fees referred to in regulation 11 (1) are as follows:

- | | |
|--|--------|
| • For every photocopy of an A4-size page or part thereof | R1,10 |
| • For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0.75 |
| • For a copy in a computer-readable form on: | |
| ○ stiffy disc | R7,50 |
| ○ compact disc | R70,00 |
| • For a transcription of visual images, for an A4-size page or part thereof | R40,00 |
| • For a copy of visual images | R60,00 |
| • For 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 |

The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

Access fees payable by a requester is referred to in regulation 11(3) and all cost listed above are exclusive of 15% VAT.

For purposes of section 54(2) of the Act, the following applies:

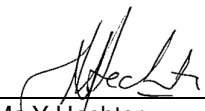
- Six (6) hours as the hours to be exceeded before a deposit is payable; and
- One third (1/3) of the access fee is payable as a deposit by the requester.
- The actual postage is payable when a copy of a record must be posted to a requester.

10. Prescribed request form

The request form was drawn up as per Section 53(1) of the Promotion of Access to Information Act 2 of 2000 – Regulation 10. Please refer to our website or annexure A.

SIGNED ON THIS 29th DAY OF June 20 21



Dr JW Bergman
INFORMATION OFFICER

Ms Y Hechter
DEPUTY INFORMATION OFFICER

A. Annexure A – Confidentiality agreement – Mailing of images/report to the patient

MOTSHUDI, BERGMAN, ROSS RADIOLOGISTS
PR No 0586846

E-mail: itsupport@mbri.co.za



CONFIDENTIALITY AGREEMENT – MAILING OF IMAGES/REPORT TO THE PATIENT

I, _____

ID number _____
request and agree to the following images to be mailed to me of which details are below:

Dr's Name: _____

Practice Number: _____

My contact number and e-mail address: _____

Accession Number (x-ray number) of images to be mailed: _____

I shall not breach confidentiality of patient information stored on these images. I hereby indemnify Drs Motshudi, Bergman, Ross and hold them harmless from any claim, damages or costs arising, directly or indirectly, from the breach of confidentiality. I further acknowledge by breaching patient confidentiality that I am transgressing the POPI Act of 2013.

Signed: _____

Date: _____

Approved by MBRI Management: _____

Protection Of Personal Information Bill (Act 2013)
Motshudi, Bergman, Ross Inc.– Mailing of images/report to patient (09/2020)

B. Annexure B – Confidentiality agreement – Mailing of images/report to a referring doctor

MOTSHUDI, BERGMAN, ROSS RADIOLOGISTS
PR No 0586846

E-mail: itsupport@mbri.co.za



**CONFIDENTIALITY AGREEMENT – MAILING OF PATIENT'S IMAGES/REPORT TO
REFERRING DOCTOR**

I, _____

ID number/MP number _____

Practice number _____; Tel number _____

E-mail Address _____

request the mailed images of the below mentioned patient:

Name & Surname: _____

Date of Birth: _____

Accession Number (x-ray number): _____

I shall not breach confidentiality of patient information stored on these images. I hereby indemnify Drs Motshudi, Bergman, Ross and hold them harmless from any claim, damages or costs arising, directly or indirectly, from the breach of confidentiality. I further acknowledge by breaching patient confidentiality that I am transgressing the POPI Act of 2013.

Has the patient given consent for the images to be used / mailed?

YES / NO : _____ Please sign to confirm consent given by patient.

Signed: _____

Date: _____

Approved by MBRI Management: _____

Protection Of Personal Information Bill (Act 2013)
Motshudi, Bergman, Ross Inc- Mailing of Patient's Images (09/2020)