



ANNERIE JOUBERT

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**MANUAL IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT, 2 OF 2000,**

AND

**POLICIES AND PROCEDURES PERTAINING TO THE PROTECTION
OF PERSONAL INFORMATION ACT, 4 OF 2013.**

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1. Definitions and Interpretation

In this document,

- 1.1. **“Client”** means any person of whom records are being kept in the Practice;
- 1.2. **“Contact Details”** means all or any of the following:
- 1.2.1. Postal Address: PO Box 4062,
Old Oak
7537
- 1.2.2. Street Address: 11 Somer Street,
Eversdal,
Durbanville,
7550
- 1.2.3. Phone number: (021) 976 4764;
- 1.2.4. e- mail address: annerie@anneriejoubert.co.za;
- 1.3. **“Head of Practice”** means Mrs Annerie Joubert, a psychologist duly registered with the HPCSA under number PS002376 and practising under Board of health care funders number 8612463;
- 1.4. **“HPA ”** means the Health Professions Act, 56 of 1974;
- 1.5. **“HPCSA ”** means the Health Professions Council of South Africa;
- 1.6. **“HRC”** means the Human Rights Commission;
- 1.7. **“Information Officer”** means, for purposes of POPI, the Head of Practice who is duly registered as such in terms of Section 55(2) of POPI;
- 1.8. **“Information Regulator”** means the information regulator brought in existence by Section 39 of POPI;
- 1.9. **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000;
- 1.10. **“Personal Information”** carries the same meaning as ascribed to this phrase in Section 1 of POPI;

- 1.11. **“POPI”** means the Protection of Personal Information Act, 4 of 2013;
- 1.12. **“Practice”** means the professional psychology practice conducted by the Head of Practice as a sole proprietorship and the private body (for purposes of PAIA) to which this manual relates;
- 1.13. **“Practice Website”** means the website of the Practice to be found at <https://www.anneriejoubert.co.za> and hosted by the Website Host; and
- 1.14. **“Website Host”** means The Website Engineer (Pty) Ltd, whose web address is <https://www.webeng.co.za>.
- 1.15. In this manual:
- 1.15.1. capitalised words and phrases (apart from the normal spelling rules and unless the context within which such words and phrases clearly indicate the contrary) carry the meaning ascribed to them in the definitions section of this clause 1;
- 1.15.2. the clause headings are for convenience and shall be disregarded in construing this manual;
- 1.15.3. unless the context indicates a contrary intention, the singular shall include plural and *vice versa*;
- 1.15.4. any reference to a statute, regulation or other legislation shall be a reference to that statute, regulation, or other legislation as at the signature date of this manual; and
- 1.15.5. where any number of days is to be calculated from a day, such number shall be calculated as excluding such day and commencing on the next business day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

2. Availability of this Manual

- 2.1. This manual is available for inspection by appointment at the street address of the Practice as per the Contact Details; and
- 2.2. This manual is also available from the Practice Website.

3. How to contact the Practice

The Practice should be contacted through its Information Officer at any of the Contact Details.

4. Guide to the use of PAIA

The HRC is obligated, in terms of S10 of PAIA, to compile and publish a guide on how to make use of such Act. Such a guide has been compiled and it contains information required by a person wishing to exercise any right contemplated by PAIA. It is available in all the official languages. Any person who wishes to know more about how to exercise any rights contemplated in PAIA must direct queries to:

**The South African Human Rights Commission,
PAIA Unit
Research and Documentation Department**

Postal address: Private bag 2700, Houghton, 2041, South Africa
Telephone: +27 11 8773600
Fax: +27 11 4030625
E-mail: PAIA@sahrc.org.za
Website: www.sahrc.org.za

5. Categories of documents available without formal request

This Practice does not have any records, as contemplated in section 52 of PAIA, that are automatically available without a person having to request access in terms of PAIA.

6. Categories of records kept in accordance with legislation

- 6.1. The Practice maintains applicable records in accordance with the following legislation (which are not automatically available without a request in terms of this Act):
 - 6.1.1. Income Tax Act, 95 of 1967;

- 6.1.2. HPA;
 - 6.1.3. PAIA; and
 - 6.1.4. POPI.
- 6.2. The Practice has the following records (which are not automatically available without a request in terms of this Act):
- 6.2.1. Clients
 - 6.2.1.1. Confidential Client records and related information kept in accordance with the provisions of the HPA, the HPCSA and POPI;
 - 6.2.2. Communication
 - 6.2.2.1. Media Releases
 - 6.2.2.2. Promotion of Access to Information Act Manual
 - 6.2.2.3. Internal and external correspondence
 - 6.2.3. Financial Information
 - 6.2.3.1. Financial and Tax Records
 - 6.2.3.2. Asset Register & Insurance information
 - 6.2.3.3. Banking details
 - 6.2.4. Operational Information
 - 6.2.4.1. Client Information (other than confidential client records)
 - 6.2.4.2. General Contract Documentation
 - 6.2.5. Website
 - 6.2.5.1. Organisation and personal profiles
 - 6.2.5.2. News and Publications

7. Protection of Personal Information – privacy policy and procedures

- 7.1. The very nature of the business conducted by the Practice requires the gathering of Personal Information from a Client and other relevant person/s (the latter being case dependent);

- 7.2. By virtue of the provisions of Section 32(1)(a) of POPI, most, if not all, Personal Information gathered from and regarding Clients will be exempt from the general POPI provisions prohibiting the collection and processing of such Personal Information. However, it is a policy of the Practice to obtain the consent of all relevant parties before gathering and/or processing Personal Information;
- 7.3. In addition to the aforesaid, all Personal Information gathered and pertaining to a Client is subject to an obligation of confidentiality by virtue of the profession under which the Practice falls, as well as South African legislation. As such, all Personal Information provided will be treated as strictly confidential, with the following exceptions:
- 7.3.1. with a Client's (or that Client's guardian in applicable cases) express consent;
 - 7.3.2. where Personal Information is required by the Client's medical aid or other person responsible for payment of the Practice's professional fees (where applicable) to process claims for treatment provided by the Practice or for the Practice's administration;
 - 7.3.3. where the Practice is obliged by law to divulge information;
 - 7.3.4. where consultation with other mental health professionals is viewed as being necessary;
 - 7.3.5. where the Client poses a danger to him- or her- self, or another person;
 - 7.3.6. where the Client's referral source or family doctor require feedback regarding his or her treatment. In such a case, information will only be supplied once discussed with the Client or guardian (where applicable);
 - 7.3.7. In the case of a deceased Client, with the written consent of the next of kin or the executor of the deceased's estate; or
 - 7.3.8. If a member of the Practice tests positive for COVID-19, it is possible that the Practice might be required to provide a list of people who

might have met the member concerned. Such a list might have to include the details of affected Clients;

- 7.4. About the treatment of minors: doctors, teachers, and other persons (depending on the Client) may need to be consulted to gain additional information. Furthermore, such persons may be better able to support and help the Client if the Practice is allowed to communicate essential information or management strategies to them. Should the Head of Practice believe that Personal Information regarding the Client should be shared with any of the aforesaid categories of persons care and discretion will be used, and the guardian and Client will first be consulted.
- 7.5. All Personal Information pertaining to a Client is collected by the Head of Practice from the Client during consultations or, in exceptional circumstances, from other relevant persons indicated by the Client (and/or his/her guardian, where applicable). In some instances, Personal Information can also be provided *via* the Practice's website for which all reasonable protective measures have been taken. The personal information to be collected, is provided on a voluntary basis. However, withholding information will likely have a negative impact on the services provided;
- 7.6. The Personal Information collected will be used exclusively to direct the Client's treatment to reach a desired outcome;
- 7.7. The Head of Practice is responsible for maintaining the security of Personal Information collected;
- 7.8. All Personal Information is stored in a safe environment and, where applicable, in encrypted electronic format;
- 7.9. All Personal Information collected will be stored for a period of 6 (six) years as from the date on which the Client ceases receiving treatment from the Practice or as otherwise directed by the HPCSA. Hereafter, the Personal Information will be destroyed, again in accordance with the guidelines provided by the HPSCA;

- 7.10. Should the Practice experience a Personal Information breach, affected Clients as well as the Information Regulator will be advised thereof as soon as practically possible;
- 7.11. Clients will be given access to their Personal Information only upon receipt of an express written request and/or consent (given by the Client, or a guardian of the Client, where applicable) to disclose the Personal Information concerned to a person nominated in the written document;
- 7.12. Clients who are not satisfied with the way the Practice deals with their personal information is entitled to lodge a complaint with the Information Regulator at <https://www.justice.gov.za/infoleg/contact.html>;
- 7.13. The Website Host has provided the Practice with an SSL certificate to the effect that all Personal Information that might be collected from the website is kept secure and confidential; and
- 7.14. Drafting of reports, letters, etc, for third parties will only be done on receipt of the express written request and consent of the Client (or a guardian, where applicable).

8. Procedure in terms of PAIA for a request for access to records

- 8.1. Any person who contemplates requesting medical information of Clients of the Practice, should first consider the implications of Section 61 (access to health and other records) as well as Chapter 4 (grounds for refusal of access to records) of PAIA.
- 8.2. The requester must complete Form C as published in accordance with Section 53 of PAIA and submit this form, together with the specified request fee, to the Information Officer at any of the relevant Contact Details;
- 8.3. The requester must ensure that Form C:
 - 8.3.1. provides sufficient particulars to enable the Head of Practice to properly identify -
 - 8.3.1.1. the requester; and
 - 8.3.1.2. the record/s requested;
 - 8.3.2. indicate which form of access is required,

- 8.3.3. specify a postal address or fax number of the requester in the Republic;
- 8.3.4. identify the right that the requester is seeking to exercise or protect, and
- 8.3.5. provide an explanation of why the requested record is required for the exercise or protection of that right;
- 8.4. If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, Form C must clearly state that manner and provide the necessary particulars to be informed in such other manner;
- 8.5. If the request is made on behalf of another person, the requester must (in addition to Form C) submit documentary proof, to the reasonable satisfaction of the Head of the Practice, of the capacity in which he/she is making the request; and
 - 8.5.1. if such request is made on behalf of a Client, the Client's original written consent to provide the requested records to the requester. The authenticity of such written consent shall be proved to the reasonable satisfaction of the Head of Practice.
- 8.6. The requester will be notified by the Head of Practice of the amount of the prescribed fee to be paid and a request will only be further processed upon receipt of such prescribed fee.
- 8.7. The prescribed forms and fees for requests to private bodies are available on the website of the South African Human Rights Commission at www.sahrc.org.za, of the Department of Justice and Constitutional Development at www.doj.gov.za.

_____ *Annemie Joubert* (full signature)

Name: Annemie Joubert

Designation: Head of Practice

Date: 29/07/21

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