

MANUAL
OF
DRS SACKS, FERREIRA, STANOJEVIC, SUCH, VAN BINSBERGEN &
SARAWAN

Trading as
MILPARK RADIOLOGY INC.

In terms of
Section 51 of the Promotion of Access to Information Act
(“the Act”)

THE PURPOSE

The purpose of this document is to serve as the manual of
Drs Sacks, Ferreira, Stanojevic, Such, Van Binsbergen & Sarawan

Trading as **Milpark Radiology Inc.** in terms of the Act
and to provide a reference as to the records held and the
procedures that need to be followed to request
access to such records

SIGNATURE PAGE

This document has been signed and agreed to by:

DR A Sacks Managing Director 08th December 2011

Brett Sher Information Officer 08th December 2011

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PREAMBLE

The Promotion of Access to Information Act no 2 of 2000, came into operation on 23rd November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights

INTRODUCTION

Our Practice has been part of the medical fraternity for roughly 25 years. The entire period of our tenure has been spent at the facility situated at Milpark Hospital, which is a level 1 trauma hospital with 460 beds that offers all of the specialty disciplines.

Our radiologists undergo continuous training, both locally and overseas to ensure that we provide a cutting edge, in depth, preventative imaging solution while maintaining a centre of excellence in the imaging field.

We have a staff complement of 100 active staff members covering all of the business disciplines fields from administration to radiology reports and typing. Our senior staff has been with the practice for 10 years or longer, and are totally dedicated to both the Practice and the patients who make use of our facilities.

We have six active directors. The directors are supported by two associate doctors and one consultant, allowing the Practice to have a significant depth of experience across all of the radiological specialties. In terms of BEE requirements, 61% of our staff complement are from previously disadvantaged backgrounds, with female staff members making up 73% of our staff complement.

We actively look to grant employment opportunities to members of both genders, all races and backgrounds so long as they meet with our competence requirements.

The practice has implemented a full patient archiving and retrieval system to facilitate timeous electronic storage and distribution of images and reports to the referring clinicians within the Milpark Hospital environment and is essentially now a digital facility.

We currently offer the entire spectrum of radiological imaging services.

These services are offered using a range of digital and analogue equipment including a 64 slice CT machine, a 1t and a 1.5t MRI machine, digital mammography and bone density equipment, ultrasound, screening and interventional equipment

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. Inside these pages you will be able to view the categories of information which we possess dependent on which of these categories are applicable to the entity

in question. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website <http://www.milrad.co.za>

SECTION A

PARTICULARS IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

Contact details:

Full name of entity: Drs Sacks, Ferreira, Stanojevic, Such, van Binsbergen & Sarawan trading as Milpark Radiology Inc.

Registration number: 1994/007215/21

Head of entity: Dr Alan David Sacks – Managing Director

Designated Information Officer: Brett Sher

Email address of Information Officer: bsher@milrad.co.za

Postal address: P O Box 85379
Emmarentia
Gauteng
2029
South Africa

Street Address: Milpark Hospital
9 Guild Road
Parktown West
2193
South Africa

Telephone Number: +27 11 726 4220

Fax Number: +27 11 276 2218

Website: <http://www.milrad.co.za>

SECTION B

The section 10 guide on how to use the Act

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act.

The Guide will contain the following information:

1. The objectives of the Act;
2. Particulars of the Information Officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquires regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
PAIA Unit
Research and Development Department
Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Website: www.sahrc.org.za

E – mail: PAIA@sahrc.org.za

SECTION C

INFORMATION AVAILABLE IN TERMS OF THE ACT

It is important to note that access to any information is not automatic – you must identify the right you are seeking to exercise or protect and explain why the information you request is required for the exercise or protection of that right.

1. Categories of Information

Where applicable to the company, we hold the following categories of information

A. Statutory Records

Memorandum of Association
Articles of Association
Certificate of Incorporation
Certificate to Commence Business
Form CM 9 - Change of Name
Register of Directors
Form CM 15 – Allotment of Shares
Form CM 22 – Registered Office
Form CM 27 – Consent to act as a Director
Form CM 29 – Directors and Officers
Form CM 31 – Appointment / Resignation of Auditors
Minute book as well as resolutions passed at general meetings

B. Financial Records

Annual Financial Statements including

- Annual accounts
- Directors reports
- Auditors reports

C. Statutory Employee Records

- Employees names and occupations
- Time worked by each employee
- Remuneration paid to each employee
- Date of birth of each employee
- Salaries register
- Clocking attendance register
- Employment equity plan
- Arbitration awards

C. Statutory Employee Records (Continued)

- Staff training records
- Staff records (After employment ceases)
- Expense Accounts
- Company tax submissions

D. Other employee records

- Employee contracts
- Incentive schemes
- Staff loan schemes
- Study assistance schemes
- Maternity leave policy
- Employee staff accounts
- Code of conduct

E. Retirement funding records

- Provident fund rules
- Minutes of meetings of trustees and members
- Contribution reports
- Annual accounts

F. Environmental Health and Safety

- Where relevant the company holds information pertaining to our policies and procedures in respect to health and safety, both in respect of the environment and the work place. This may include information on safety management systems, general hygiene programmes and employee public health emergency plans

G. Fixed Property

- Lease Agreements

H. Movable Property

- Asset register
- Finance and lease agreements

I. Agreements and contracts

- Material agreements concerning the provision of services or materials
- Joint Venture agreements
- Partnership agreements
- Agreements with shareholders, officers or directors
- Acquisition and disposal documentation
- Agreements with contractors and suppliers
- Agreements with customers
- Warranty agreements
- Restraint agreements
- Agreements with government agencies
- Purchase or lease agreements

J. Taxation

- Copies of all income tax returns and other tax returns and documents

K. Legal

- Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation
- Settlement agreements
- Material licenses, permits and authorisations

L. Insurance

- Insurance policies
- Claims records
- Details of insurance coverages, limits and insurers

M. Information technology

- Operating systems
- Software packages
- Licenses
- Disaster recovery plan

SECTION C

INFORMATION AVAILABLE IN TERMS OF THE ACT (Continued)

2. PROCEDURE FOR REQUESTING ACCESS TO THE ABOVEMENTIONED INFORMATION

If you wish to request access to any of the abovementioned categories of information, you are required to complete a request form as set out in Annexure “A” hereto. These forms are available from:

1. Our Information officer (Whose contact details appear in section A of this manual)
2. The SAHRC website (www.sahrc.org.za)
3. The Department of Justice and Constitutional Development website (www.doj.gov.za)

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

SECTION D

INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are available in accordance with the following current South African legislation (only to the extent that the relevant Act makes disclosure of records compulsory)

- Allied Health Professional Act 1982
- Basic conditions of employment Act No 75 of 1997
- Broad Based Black Economic Empowerment Act 1993
- Companies Act No 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No 130 of 1993
- Competition Act No 75 of 1998
- Consumer affairs (unfair business practices) Act No 71 of 1988
- Consumer Protection Act 1998
- Copyright Act No 98 of 1978
- Council for Medical Schemes Levies Act 2000
- Debt Collections Act No 114 of 1998
- Electronic Communications Act 2005
- Employment Equity Act No 55 of 1998
- Harmful Business Practices Act No 23 of 1999
- Hazardous Substances Act No 15 of 1973
- Health Professional Act No 56 of 1974
- Income Tax Act, 1962
- Insolvency Act No 24 of 1936
- Labour relations Act No 66 of 1995
- Medical Schemes Act 1998
- Medicines and Related Substances Control Act 1965
- National Credit Act 2005
- National Health Act 2003
- Occupational Health & safety Act no 85 of 1993
- Promotion of Access to Information Act 2000
- Road Accident Fund Act 1996
- Skills development Levies Act No 9 of 1999
- Skills Development Act No 97 of 1998
- Statistics Act 1999
- Tobacco Products Control Act 1993
- Trade Marks Act No 194 of 1993
- Unemployment Contributions Act No 4 of 2002
- Unemployment Insurance Act No 63 of 2001
- Usury Act No 73 of 1968
- Value added tax act No 89 of 1991

SECTION E
INFORMATION AUTOMATICALLY AVAILABLE

The No information is automatically available and all requests must be forwarded to our information officer whose details appear in section A of this manual.

SECTION F

OTHER INFORMATION AS MAY BE PRESCRIBED

There is no other information prescribed by the Minister of Justice and Constitutional development in this regard

SECTION G

AVAILABILITY OF THIS MANUAL

This manual is available for inspection during office hours at the registered office of Drs Sacks, Ferreira, Stanojevic, Such, van Binsbergen & Sarawan trading as Milpark Radiology Inc. free of charge.

Copies are available from the SAHRC and our website www.milrad.co.za

Annexure “A”

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the promotion of Access to Information Act No 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and / or the fax number in the republic to which the information is to be sent must be given*
- (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: _____

E – Mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

(a) 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 all 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 in adequate, please continue on a separate page and attach it to this form. **The requester must sign all of the attached 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 for exemption.

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) *Compliance with your request in the specified form may depend on the form in which the record is available*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form:					
<input type="checkbox"/>	<i>copy of the record*</i>	<input type="checkbox"/>	<i>inspection of record</i>		
2. If the record consists of visual images (this includes photographs, slides, video recordings, computer generated images, sketches, etc.):					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	copy the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If the record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack(audio cassette)	<input type="checkbox"/>	transcription of soundtrack(written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of report*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form(stiffy or compact disc)*		
*If you request a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

- 1. Indicate which right is to be exercised or protected:
.....
.....
.....
- 2. Explain why the record is required for the exercise or protection of the
aforementioned right
.....
.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?
.....
.....

Signed at..... this..... day of.....20.....

.....
SIGNATURE OF THE REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE “B”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by the private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached to your convenience. The present charges are as follows :

1. Copies of manual

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees ¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees ²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in the paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

4.1 A request fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this work.

4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for the disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵

4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

¹ Section 52(3) and Regulation 1(1)

² Section 54(7) and Regulation 11(3)

³ Section 54(1) and Regulation 11(2)

⁴ Annexure “A”, Part III, Item 4(1)(f)

⁵ Section 54(2)

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. 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.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:
 - (a) For every photocopy of an A4-size page or part thereofR1,10
 - (b) 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
 - (c) For a copy in a computer-readable form on –
 - (i) Stiffy discR7,50
 - (ii) compact disc.....R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof.....R40,00
 - (ii) For a copy of visual imagesR60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....R20,00
 - (ii) For a copy of an audio record.....R30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:
 - (1) (a) For every photocopy of an A4- size page or part thereof.....R1,10
 - (b) For every printed copy of an A4-sized page or part thereof held or computer or in electronic or machine-readable form.....R0,75
 - (c) For a copy in a computer-readable form on –
 - (i) Stiffy disc.....R7,50
 - (ii) compact disc.....R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof.....R40,00
 - (ii) For a copy of visual images.....R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....R20,00
 - (ii) For a copy of an audio record.....R30,00
 - (f) The search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

- (2) For purposes of section 54 (2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before as 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.