



**QUALITY • AFFORDABLE  
PRIVATE HEALTHCARE**

**ACCESS TO INFORMATION MANUAL (“MANUAL”)  
COMPILED IN TERMS OF SECTION 51 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

**THIS MANUAL APPLIES TO INFORMATION HELD BY:**

**UNJANI CLINICS NPC  
REGISTRATION NUMBER 2014/089277/08**

**AND THE INDIVIDUAL CLINICS IN THE UNJANI CLINIC NETWORK  
AS SET OUT ON PAGE 2 AND 3 AND AS AMENDED FROM TIME TO TIME**

**List of Individual Unjani Clinics in the Unjani Clinic Network (and as amended from time to time): Unjani Clinic -**

Alexandra  
Atteridgeville  
Bapong  
Barcelona  
Boikhutso  
Botshabelo  
Bramfischer  
Cosmo City  
Dassenhoek  
Diepsloot  
Dutywa  
Elukwatini  
Emahlaheni  
Embahlenhle  
Empangeni  
GaMaphopha  
Gansbaai  
GaRankuwa  
George  
Hammanskraal  
Heidelberg  
Ikageng  
Illovu  
Izikhuba  
Jane Furse  
Jozi  
Kagiso  
Kanyamanzane  
Katlhong  
Khutsong  
Klipfontein  
Kwaggafontein  
KwaMashu  
Kwamhlanga  
Kwazakhele  
Kuruman  
Langaville  
Lehurutshe  
Lenasia South  
Lephalale  
Machibisa  
Malamulele  
Mamelodi  
Mangaung  
Mayfield  
Mdantsane

Mkhuhlu  
Mahikeng  
Monsterlus  
Moteti  
Motherwell  
Moutse Mall  
Mthatha  
Musina  
New Eersterust  
New Hanover  
Nkambako  
Nkomazi  
Nquthu  
Olievenhoutbos  
Orange Farm  
Orlando  
Phalaborwa  
Protea Glen  
QwaQwa  
Reeston  
Riverview  
Sebokeng  
Senwabarwana  
Seshego  
South View  
Sweetwaters  
Tembisa  
Thulamahashe  
Tokoza  
Tsakane  
Tshamahansi  
Uitenhage  
Ulundi  
Umbumbulu  
Verena  
Villa Lisa  
Vosloorus  
Welkom  
Windmill Park  
Winterveldt  
Zamdela  
Zebediela  
Zwelitsha

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## 1. INTRODUCTION

The Promotion of Access to Information Act No.2 of 2000 (“**the Act**”) came into force on 23 November 2001, except for sections 10, 14, 15 and 51, which became effective on 15 February 2002.

Section 51 of the Act requires that all private bodies prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies’ records.

Unjani Clinics NPC (“**Unjani Clinics**”) is defined as a private body in terms of the Act. This manual is prepared in compliance with section 51 of the Act.

## 2. COMPANY OVERVIEW OF UNJANI CLINICS NPC

Unjani Clinics NPC is a nonprofit company, without members. The company raises funding for and empowers black women professional nurses to establish primary healthcare container clinics in low income and rural communities of South Africa. Unjani Clinics manages, monitors, evaluates, and trains the network of primary healthcare container clinics to develop sustainable micro-enterprises that enhance access to quality, affordable primary healthcare services within the scope of practice of a professional nurse.

## 3. CONTACT DETAILS

Full Name	: Unjani Clinics NPC
Registration Number	: 2014/089277/08
Registered Address	: 57 Sarel Baard Crescent Rooihuiskraal 0157
Postal Address	: 57 Sarel Baard Crescent Rooihuiskraal 0157
Chief Executive	: Lynda Toussaint
Information Officer	: Lynda Toussaint
Telephone Number	: +27 12 621 4300
Email Address of Information Officer	: <a href="mailto:ltoussaint@unjani.org">ltoussaint@unjani.org</a>
Website	: <a href="http://www.unjaniclinic.co.za">www.unjaniclinic.co.za</a>

#### 4. **THE SECTION 10 GUIDE ON HOW TO USE THE ACT IN TERMS OF SECTION 51(1) (b)**

4.1 In terms of section 10 of the Act, the Human Rights Commission is required to publish in each official language, a guide on how to use the Act.

4.2 The guide is available from the South African Human Rights Commission. Please direct any queries with respect to the section 10 Guide to:

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

Postal Address : Private Bag X2700  
Houghton  
2041

Telephone : +27 11 877 3600

Email : [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Website : [www.sahrc.org.za](http://www.sahrc.org.za)

#### 5. **INFORMATION AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(1)(c) OF THE ACT**

5.1 Certain information is automatically available for inspection, purchase, or photocopying.

5.2 Automatically available information includes:

5.2.1 Annual Reports

5.3 The aforesaid automatically available information is available on the Unjani Clinics website ([www.unjaniclinic.co.za](http://www.unjaniclinic.co.za)) or from the Information Officer whose details appear on page 5 of this manual.

#### 6. **RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d) OF THE ACT**

6.1 Records are kept in accordance with the following legislation (this list is not exhaustive):

6.1.1 Basic Conditions of Employment Act 75 of 1997

6.1.2 Companies Act 71 of 2008

6.1.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993

6.1.4 Employment Equity Act 55 of 1998

6.1.5 Income Tax Act 58 of 1962

6.1.6 Labour Relations Act 66 of 1995

6.1.7 National Health Act 61 of 2003

6.1.8 Skills Development Act 97 of 1998

6.1.9 Skills Development Levies Act 55 of 1998

6.1.10 Trade Marks Act 194 of 1993

- 6.1.11 Unemployment Insurance Act 30 of 1966
- 6.1.12 Value Added Tax Act 58 of 1962
- 6.1.13 All applicable health legislation

## **7. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 52(2) OF THE ACT**

At the time of this publication the Minister of Justice and Constitutional Development had not yet published any regulations under this section of the Act.

## **8. INFORMATION NOT AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(1)(e) OF THE ACT**

- 8.1 The following information and records identified by the headings and/or departments listed below, are not automatically available and will only be made available upon receipt and consideration of a request of information in the prescribed form (see PAIA FORM C separate to this manual.)
- 8.2 Records and information identified by the headings and/or the departments listed below are not automatically available:
  - 8.2.1 Administration
  - 8.2.2 Company Secretarial
  - 8.2.3 Finance
  - 8.2.4 Human Resources
  - 8.2.5 Information Technology
  - 8.2.6 Insurance
  - 8.2.7 Intellectual Property
  - 8.2.8 Movable and Immovable Property
  - 8.2.9 Operations
  - 8.2.10 Taxation
  - 8.2.11 Third Parties
  - 8.2.12 Health information

## **9. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS**

- 9.1 Part 3, Chapter 4 of the Act sets out instances when a request for information must be refused.
- 9.2 The following are grounds for the refusal of access to information and/or records as prescribed by the Act:
  - 9.2.1 The protection of a third party's right to privacy when such release of information would amount to the unreasonable and/or unlawful disclosure of personal information of that person, including the personal information of a deceased individual.
  - 9.2.2 Mandatory protection of any commercial information of a third party, including but not limited to any trade secrets, commercial and/or intellectual property where disclosure would cause harm to the commercial or financial interests of that third party.
  - 9.2.3 Any confidential information which is protected by an agreement between the parties.
  - 9.2.4 Mandatory protection and information that would be considered privileged in terms of

any legal and/or medical proceedings.

- 9.2.5 If disclosure of information or a record could reasonably be expected to endanger the life/physical safety, privacy, and identity of an individual.
- 9.2.6 Any intellectual, commercial and/or related documentation relating to the business activities of the Company and the Clinics.
- 9.2.7 Any research information being carried out/to be carried out by/on behalf of a third party where such disclosure would likely expose the third party, a person carrying out the research, or the subject matter of the research, to serious disadvantage; and
- 9.2.8 Any other reason that is allowed in any applicable law.

## **10. PROCEDURE FOR REQUESTING A RECORD NOT AUTOMATICALLY AVAILABLE**

- 10.1 The requester must use the prescribed form (see PAIA FORM C separate to this manual) to make the request for access to a record.
- 10.2 The request must be made to the relevant Information Officer.
- 10.3 The request must be sent to Unjani Clinics' address, or electronic mail address.
- 10.4 The request must provide sufficient detail on the request form to enable the Information Officer to clearly identify the record as well as the requester's identity.
- 10.5 The request must also indicate which form of access is required and should specify a postal address in the Republic of South Africa or alternatively an electronic mail address.
- 10.6 The request must also indicate if the information is required in any other manner and if so, state the necessary particulars required to be so informed.
- 10.7 The requester must identify the right that is sought to be exercised or protected and must provide an explanation as to why the requested record is required for the protection or exercise of that right.
- 10.8 If the request is made on behalf of another person, the requester must submit proof, to the satisfaction of the Information Officer, of the capacity in which the requester is making the request.
- 10.9 Request for access to records held by Unjani Clinics must be made on the request forms (on payment of the prescribed fees) and are available from the South African Human Rights Commission's website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) under "regulations".

## **11. ACCESS TO HEALTH RECORDS OR OTHER RECORDS IN TERMS OF SECTION 61 OF THE ACT**

- 11.1 For the purposes of this section, the term "relevant person" shall refer to the requester and /or the authorized person making a request on the persons behalf.
- 11.2 Requesters must stipulate in their request for information and/or what health



information is required, understanding that information held by a medical practitioner must be obtained directly from him or her. No hospital can release information held by another party, or information that is protected by a medical practitioner /patient relationship.

- 11.3 The Information Officer, in terms of Section 50 of the Act, may only grant a request for access to information and/or a record provided by a medical practitioner in his or her capacity as such, about the physical or mental health of the requester him /herself, or to authorised person making such a request on behalf of the person concerned.
- 11.4 The Information Officer may in terms of Section 61 (1) of the Act, refuse access to information and/or records, if he or she is of the opinion that such disclosure would cause serious harm to the requester's physical and/ or mental health.
- 11.5 Before the Information Officer allows, grants, or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to Section 61(2) had been nominated by the relevant person.
- 11.6 If the relevant person is:
- 11.6.1 under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in Section 61 (2) of the Act; and/or
- 11.6.2 incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.
- 11.7 If after the information Officer has given access to the medical practitioner, and the medical practitioner is of the opinion that the disclosure of the information and/or record to the relevant person, would likely cause serious harm to his or her physical and/or mental health, or well-being, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester, that adequate provision has been made for such counseling or arrangement as are reasonably practicable before, during or after the disclosure of the information and/or record limit, alleviate or avoid such harm to the relevant person.
- 11.8 Before access to the information and/or record is so given to the requester, the person responsible for such counseling or arrangements must be given access to the information and/or record.
- 11.9 The Information Officer may also refuse access to the Information and/or records in terms of any other law.

## 12. **PRESCRIBED FEES**

- 12.1 Once a request is made, the information officer will send a receive notice to the requester to pay the prescribed fee of R50.00.
- 12.2 This prescribed fee must be paid before the request will be processed.

- 12.3 Payment of this fee is to be made as directed by the Information Officer.
- 12.4 If the requester is seeking access to a record containing personal information about that requester, the prescribed fee of R50.00 may not be required.
- 12.5 The information officer will then make a decision in respect of the request and the requester will be notified of the decision on the required form.
- 12.6 Should the request be refused; the requester may lodge an application at court against the tender or payment of the requested fee as will be advised in the Notice (in terms of (sec 54(3)(b) of the Act).
- 12.7 If the request is granted then a further access fee is payable for the search, reproduction and preparation of the record in a particular format as well as for any time, that has exceeded the prescribed hours, to search and in order prepare the record for disclosure (in terms of sec 54(6)) of the Act).
- 12.8 The fees schedule can be downloaded from the Department of Justice website at [www.doj.gov.za](http://www.doj.gov.za).

### 13. **AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3) OF THE ACT**

A copy of this manual is available at the Company's registered address, on the Company's website ([www.unjaniclinic.co.za](http://www.unjaniclinic.co.za)), and from the South African Human Rights Commission.