



**The South African Society of Physiotherapy
(SASP®)**

Promotion of Access to Information Manual

*Prepared in accordance with Section 14 of the Promotion of Access to Information
Act, 2000 (Act No. 2 of 2000)*

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1. Overview

The right of access to information is imbedded under section 32 of the Constitution of the Republic of South Africa, 1996 which provides that everyone has the right of access to any information held by the State or held by any other person that is to be used for the protection or exercise of any right¹.

The **South African Society of Physiotherapy (SASP)** embraces this opportunity to incorporate the Act's guidelines into its policies and procedures not only from a legal standpoint, but also as an opportunity to encourage open communication within the organisation.

2. Purpose

The purpose of this Manual is to provide information on how to obtain access to records held by SASP, to identify the structure and services of SASP, and to describe SASP's records system in order to facilitate the implementation of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

3. Glossary of Terms

PAIA GLOSSARY OF TERMS	
Access fee	A fee prescribed for the purpose of reproduction, search, and preparation of records and, if applicable, postal fees.
Date of submission	The date on which the requester submits the PAIA Request. The Information Officer must respond to the request within 30 days of this date.

Information Officer (IO)	The person authorised by SASP NEC to handle PAIA requests.
Days	Any day other than a Saturday, Sunday, or public holiday, as defined in section 1 of the Public Holidays Act, 1994 (Act No 36 of 1994)

PAIA GLOSSARY OF TERMS

Grounds for refusal	The Section(s) of PAIA referred to by the Information Officer or in order to refuse a PAIA Request
Letter of authorisation	A letter from an individual who requires the requester to submit a PAIA Request on their behalf in terms of PAIA. The letter must state that the individual authorises the requester (and other representatives from the requester's organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf.
Minister	The Cabinet member responsible for the administration of justice.
PAIA	The Promotion of Access to Information Act, 2000 (Act 2 of 2000).
PAIA Request	The name given to the document(s) submitted to a public or private body requesting access to information in terms of PAIA.
PAIA Request reference number	The reference number you allocate for an individual PAIA Request, e.g. 8/4/2/PAIA/date. It is advisable to use this reference number throughout all correspondence with the requester, as well as asking them to do the same.
Personal Information	Information about an identifiable individual including but not limited to information relating to race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language, and birth of the individual; information relating to the education or medical, criminal or employment history of the individual or information relating to the financial transactions in which the individual was involved.
Personal requester	A personal requester is a requester who is seeking access to a record containing personal information about the requester. SASP will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. No request fee and no deposit on access fee (s) payable.
Record(s)	Any recorded information regardless of the form or medium, including, for example, written documents, video materials etc.
Requester	The requester (other than a personal requester) is entitled to request access to information on third parties.

PAIA GLOSSARY OF TERMS	
Request fee	The fee that must be paid by the requester before a request can be processed.
SASP File plan	An index when requesting information from SASP.
Third party	Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

4. About the SASP

The SASP is a voluntary professional membership organisation committed to equal opportunities and inclusivity and striving to support the demographic profile of South Africa in terms of race and gender.

The SASP is committed to being a dynamic, professional, and innovative organisation, effectively representing its members and playing a pro-active role in the formulation and implementation of health care policy in South Africa.

The South African Society of Physiotherapy affirms that:

- It provides a structure within which the needs of its members are met
- It strives to ensure the quality of Physiotherapy services to all peoples throughout South Africa
- It does not discriminate on grounds of race, colour, creed, national origins, social status or gender in the SASP of Physiotherapy or in the administration of its organisation
- It safeguards the welfare of its members and makes representation against any form of discrimination against its members
- It acts as a planning, development, and information resource to its members, to other health professions, to health planners at all levels and to the general public
- It supports unequivocally the provision of unitary health service and encourages all progress made in the integration of health care services.

Further information regarding the services of SASP are available on the website at

<https://www.saphysio.co.za>

5. Contact details of the Information and Deputy Information Officer

In terms of PAIA the National Operations Manager of the SASP, is the Information officer of SASP. All requests must be directed to the Information Officer:

Information Officer:	Vacant
	Position: National Operations Manager
Telephone number:	011 615 3170
Fax number:	086 559 8237
E-mail address:	paiarequest@saphysio.co.za
Postal Address:	The Information Officer South African Society of Physiotherapy PO Box 752378 Gardenview 2047
Deputy Information Officer:	Mrs Magda Fourie
	Position: Senior Professional Officer
Telephone number:	011 615 3170
Fax number:	086 559 8237
E-mail address:	paiarequest@saphysio.co.za
Postal Address:	The Deputy Information Officer South African Society of Physiotherapy PO Box 752378 Gardenview 2047

6. Detail on how to make a Request for Access

- 6.1. The requester must complete Form C and submit this form together with a request fee, to the person delegated to deal with requests (for “the designated head”).
- 6.2. Form of request: • The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the Information Officer as per the details given above;
- 6.3. The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester
- 6.4. The requester should indicate which form of access is required
- 6.5. The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)]
- 6.6. The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 6.7. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)]
- 6.8. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 6.9. Every other requester, who is not a personal requester, must pay the required request fee.

7. Records kept by SASP

7.1. Records available in terms of other legislation are as follows:

- Basic Conditions of Employment Act, No. 75 of 1997
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- Consumer Protection Act 68 of 2008
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Non-profit Organisations Act 71 of 1997
- Occupational Health & Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

General information about SASP can be accessed via the internet on <https://www.saphysio.co.za>, which is available to all persons who have access to the internet.

7.2. The subjects on which the SASP holds records and the categories on each subject in terms of Section 51(1)(e)

7.1.1. **Human resources**

- Personal records of the personnel
- Employments contracts
- Retirement benefit records
- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel
- Leave records
- UIF Returns
- Internal policies and procedures

7.1.2. Secretarial

- Minutes of the Board of SASP structures
- Records relating to the appointment of office bearers
- Resolutions of SASP internal structures
- Minutes of organisational meetings

7.1.3. Financial and Administration

- Annual Financial Statements
- VAT Records
- PAYE records
- Fixed asset register
- Banking records
- UIF Records
- Management reports
- Invoices
- Debtors and creditors information

7.1.4. Information Management and Technology

- Services Level Agreements
- Equipment Register
- Policies, Procedures, and guidelines
- Licensing agreements

7.1.5. Marketing and Communication

- Marketing strategies
- Communications strategies
- Agreements

7.1.6. Operations

- Access control records
- Archival Administration Documentation
- Insurance (insurance arrangements, policies, and claims)
- Asset register

7.1.7. Safety Records

- Occupational Health and Safety records
- Records of incidents in the workplace

7.1.8. Members and Third Parties related Records

- Contracts with Members
- Members have provided to SASP or a third party acting for or on behalf of SASP
- Records, reports, designs, and the like generated by SASP for their
- members
- Records generated pertaining Members, including transactional
- Records

8. Data Subjects, Their Personal Information and Potential Recipients of Information

The SASP holds the personal information in respect of the categories of data subjects specified below as may be relevant in the circumstances. The potential recipients of this information are also specified. Information and records are only disclosed to recipients as may be necessary in the circumstances and authorised in terms of the law or otherwise with the consent of the relevant data subjects.

8.1. SASP Members and Employees

8.1.1. Categories of personal information

Full names and surnames; titles; contact details; addresses; identity numbers; race; gender; nationality; qualifications; registered professions and categories of registration; statutory council registration numbers; employment related information; positions and job descriptions; Curriculum Vitae (“CVs”) and information included therein; references; relevant health information; COVID-19-related information; health and safety-related incidents; records created in the performance of their duties; leave records; remuneration; employment benefits; absenteeism information; bank details; tax numbers and related tax information; next-of-kin details and correspondence.

8.1.2. **Potential Recipients**

Other SASP Members; relevant employees; South African Revenue Service (“SARS”); relevant statutory and other public bodies (e.g. Department of Employment and Labour; the Board of Healthcare Funders of SA [“BHF”]; Unemployment Insurance Fund [“UIF”]); medical schemes; contractors and suppliers; ; banks; professional societies; bodies performing peer review; hospitals; members of the public; legal and professional advisers; attorneys; insurers; law enforcement structures; auditors; executors of estates;.

8.2. Job Applicants

8.2.1. **Categories of personal information**

Names and surnames; titles; CVs and information included therein; contact details; addresses; identity numbers; race; gender; nationality; qualifications; registered professions and categories of registration; statutory council registration numbers; employment history and related information; relevant health information; COVID-19 screening information; interview notes; references and correspondence.

8.2.2. **Potential Recipients**

SASP Members; relevant employees; legal and professional advisers; auditors; law enforcement structures; vetting agencies; recruitment agencies

8.3. Putting SASP Members in touch with each other for Networking, Training etc

8.3.1. **Categories of personal information**

Names and surnames; titles; contact details; addresses; SASP membership numbers; registered professions; and correspondence.

8.3.2. **Potential Recipients**

SASP Members; relevant employees; relevant statutory and other public bodies; medical schemes; auditors; law enforcement structures; legal and professional adviser

8.4. Hospitals / Health Care Facilities

8.4.1. **Categories of personal information**

Names; contact details; relevant employees' / office bearer' / contact persons' details; website addresses; SASP membership numbers; hospital/facility privilege-related information and correspondence.

8.4.2. **Potential Recipients**

SASP Members; relevant employees; auditors; legal and professional advisers

8.5. Contractors, Vendors and Suppliers

8.5.1. **Categories of Personal Information**

Names and surnames; titles; organisation names and details; relevant employees' / office bearer' / contact persons' details; contact details; addresses; website addresses; opinions; correspondence; COVID-19 screening information (visitors); market information; price structures; financial arrangements and VAT numbers.

8.5.2. **Potential Recipients**

SASP Members; relevant employees; banks; auditors; legal and professional advisers; law enforcement structures and .

8.6. Insurers

8.6.1. **Categories of personal information**

Names and contact details; premiums; benefits and correspondence.

8.6.2. **Potential Recipients**

SASP Members; relevant employees; auditors; legal and professional advisers; relevant public bodies; law enforcement structures and potential purchaser of the SASP.

8.7. Public and Private Bodies (e.g., regulators, funders)

8.7.1. **Categories of Personal Information**

Names; contact details; office bearers; fee / benefit structures; rules; information published in the public domain (e.g., benefit schedules, policies); payment-related information (e.g., invoices, remittances, statements) and correspondence.

8.7.2. **Potential Recipients**

SASP Members; relevant employees; legal and professional advisers; ; debt collectors; auditors; public; law enforcement structures and potential purchaser of the SASP

9. **Purpose of Processing Personal Information**

The SASP processes personal information of data subjects for the following purposes:

- 9.1. to conduct and manage the SASP in accordance with the law, including the administration of the SASP and claiming and collecting payment for services rendered from relevant funders, and/or responsible persons / entities;
- 9.2. for communication purposes
- 9.3. for the maintenance of SASP records
- 9.4. for employment and related matters of employees and other SASP Members
- 9.5. for reporting to persons and bodies, including, as required, and authorised in terms of the law or by the data subjects
- 9.6. for historical, statistical and research purposes
- 9.7. for clinical trials / research studies
- 9.8. for enforcement of the SASP's rights; and/or
- 9.9. for any other lawful purpose related to the activities of the SASP.

10. **Fees**

- 10.1. When the request is received by the IO, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

- 10.2. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the DIO shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 10.3. The IO shall withhold a record until the requester has paid the fees.
- 10.4. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.5. If a deposit has been paid in respect of a request for access, which is refused, then the DIO concerned must repay the deposit to the requester.

11. Decision

- 11.1. The IO will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect, failing which the request is deemed to have been refused.
- 11.2. The 30-day period with which IO has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days:
 - 11.2.1. if the request is for a large amount of information
 - 11.2.2. or the request requires a search for information held at another office of SASP and the information cannot reasonably be obtained within the original 30-day period
 - 11.2.3. Where consultation is needed among divisions in SASP or with another entity to decide upon the requests and which consultation cannot be completed within 30 days
 - 11.2.4. If the requester consents to the extension in writing and

safety of South Africa to release the information.

12. Grounds for Refusal

The following are the grounds on which the SASP, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA: 3.5.1:

- 12.1. Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- 12.2. Mandatory protection of the safety of individuals and the protection of property
- 12.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- 12.4. Mandatory protection of Records that would be regarded as privileged in legal proceedings
- 12.5. Research information of the SASP or a third party, if such disclosure would place the research or the researcher at a serious disadvantage
- 12.6. Computer programs which are owned by the SASP, and which are protected by copyright and intellectual property laws
- 12.7. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources
- 12.8. Mandatory protection of the commercial information of a third party, if the Records contain:
 - 12.8.1. Trade secrets of that third party
 - 12.8.2. Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party and/or
 - 12.8.3. Information disclosed in confidence by a third party to the SASP, the disclosure of which could put that third party at a disadvantage in contractual or other

negotiations or prejudice the third party in commercial competition

13. Personal Information Sent Across the Borders of the Republic of South Africa

- 13.1. The SASP stores electronic information, including personal information of data subjects, in the 'cloud'. Due care is taken in the selection of appropriate 'cloud' service providers to ensure compliance with the law and protect the privacy of data subjects.
- 13.2. The SASP is not planning to send any other personal information about any data subject to any other third party in a foreign country. Should this be required, relevant data subject consent will be obtained, if required, unless the information may be lawfully transferred across the borders; and transfers of such information will occur in accordance with the requirements of the law.

14. Security Measures to Protect Personal Information

The SASP is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage, or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity, and confidentiality of this information in accordance with industry best practice. The measures it adopts to ensure the security of personal information, includes:

- 14.1. Technical and organisational measures and internal policies to prevent unauthorised access, loss or use of personal information, for example:
- 14.2. The physical securing of the offices where information is held
- 14.3. Locking of cabinets with physical records
- 14.4. Password control to access electronic records and off-site data back-ups
- 14.5. In addition, only those SASP Members and employees that require access to the information to discharge their functions are permitted access to the relevant

information and only if they have concluded agreements with or provided undertakings to the SASP requiring them to implement appropriate security measures and to maintain the confidentiality of the information.

- 14.6. Suppliers and vendors are required to adhere to the strict policies and processes implemented by the SASP and are subject to sanctions for any security breach.
- 14.7. All security breaches are taken seriously and are addressed in accordance with the law.

15. Refusal of a request for Personal Information

15.1. Protecting the privacy of a third party

An Information Officer is obliged to refuse access to a record if disclosure thereof involves the unreasonable disclosure of personal information about a third party, including “deceased individuals”. The principle is that a third party him/herself should decide on disclosure of such information.

Given the broad definition of “personal information” in this Act as well as in the Protection of Personal Information (POPI) Act, balancing privacy with freedom of expression becomes very important.

15.2. Protecting the commercial records of a third party in terms of an agreement

The Information Officer may refuse disclosure on the following grounds:

- 15.2.1. Trade secrets of the business or a third party
- 15.2.2. Financial, commercial, scientific, or technical information of the business or a third party which, if disclosed, is likely to cause harm to the commercial or financial interest(s) of the body or third party or
- 15.2.3. Information supplied in confidence by a third party and where disclosure of such

information could reasonably be expected to put the business at a disadvantage in contractual or other negotiations or prejudice the business in commercial competitions.

15.3. Protecting Confidential Information in Terms of an Agreement

An Information Officer must refuse a request for access to a record if disclosure will amount to breach of a duty of confidence owed to a third party in terms of an agreement or contract.

15.3.1. **Protecting the safety of a person or Juristic person**

The Information Officer must refuse to disclose information if such disclosure could compromise the safety of an individual or property. This also relates to the POPI Act, where information is seen as property.

15.3.2. **Protecting Information in Legal Proceedings**

With regard to other legislation relating to the management and disclosure of information, PAIA will supersede such legislation when the right to access is unjustifiably limited. For example, any record subject to the relationship between an attorney and their client is protected under this Act.

15.3.3. **National Security**

An Information Officer may refuse a request for access to records if their disclosure could reasonably be expected to prejudice the defence, security, or international relations of the Republic.

15.3.4. **The Protection of Research Information of Third Party or SASP itself**

The IO must refuse access to records which contain information relating to research which is or will be undertaken by the public or private body in question or a third party. This refusal of access to information is in circumstances where the disclosure of the record will expose the research of the third party or public or private body, the individual or institution carrying out the research, or the subject matter of the research to a serious disadvantage.

16. Remedies for Non-Compliance with the Act

- 16.1.1. Internal remedies: The SASP does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.
- 16.1.2. External remedies In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

17. How to submit a Request for Information to SASP

- 17.1.1. A request for access to a record must be made on the prescribed form. The prescribed form, fully completed may be posted, faxed, or e-mailed to the IO. This form is available from: pairequest@saphysio.co.za
- 17.1.2. The SASP Information Office's contact details are in clause 5 of this manual
- 17.1.3. The requester must provide adequate detail on the request form to enable an official of SASP to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate
- 17.1.4. the preferred language of the record if applicable
- 17.1.5. whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and a facsimile number and/or postal address.
- 17.1.6. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 17.1.7. There is a prescribed fee (payable in advance) for requesting and accessing information in terms of PAIA. 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.

- 17.1.8. The IO must upon receipt of request for information decide within a period of 30 days whether to grant the request for the record or not. The requester must be notified in writing of the decision as contemplated in section 18(2) (e). Should the request be granted, the Information Officer must before process the request, inform the requester of the fees payable.
- 17.1.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, alternatively the IO will assist to complete the relevant form.