

PAIA and POPI Manual

This manual was prepared in accordance with Sections 51 of the Protection of Personal Information Act, 2013 ('POPIA') and to adhere to the requirements of the Protection of Personal Information Act, 2013 ('POPIA'). This gives effect to the provisions of Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa regarding access to any information held by the state and/or any information held by a private person/entity where that information is required for the exercise or protection of rights. It further addresses the requirements of POPIA, which is intended to promote the right to privacy as outlined in the Constitution, while at the same time protecting the flow of information and advancing the right of access to and protection of information.

1. Overview

This manual applies to the psychology practice of Lynn van 't Hof, an Educational Psychologist registered with the HPCSA. Lynn van 't Hof works with children, adolescents and parents as per the scope of practice defined by the HPCSA for Educational Psychologists. This manual will be updated from time to time, as and when required.

Office Address:

St George's Grammar School
Richmond Road
Mowbray
Cape Town

2. Information Officer:

The information Officer is the practitioner in the practice, Lynn van 't Hof

Contact no: 083 988 4947

Email: lynn@positiveeducation.co.za

A copy of this manual is available on request from the Information Officer or can be accessed on the website <https://positiveeducation.co.za>

Alternatively, please contact the following:

The Information Regulator (South Africa)

SALU Building,

316 Thabo Sehume Street

Pretoria

Tel: 012 406 4818

Email: infoereg@justice.gov.za

or

The South African Human Rights Commission

PAIA Unit

Tel: 011 484 8300

Website: www.sahrc.org.za

Email: PAIA@sahrc.org.za

3. Requesting access to records:

Records can be requested from Lynn van 't Hof on a request form that can be accessed from her, or from https://www.justice.gov.za/forms/paia/J752_paia_Form20C.pdf, with the following applying:

- Fees may be payable as prescribed by law
- The request form must be completed by the requester, including details regarding the right the requester wishes to protect, and why access is required.
- If the requester is acting on behalf of another person, the signature of the other person, being the one who has authorized the request, must be provided. The Information Officer may require further proof, or call the person(s) to whom the information belongs to verify that permission has been given for the other person to access this information on their behalf.
- The requester must specify the format that he/she wishes the information to be presented in.
- if the record is part of a longer document the requester may only access what pertains to the information requested, and not to the remainder of the record.
- All such requests will be evaluated against the provisions of the Act. The Information Officer can refuse access according to what is stipulated in the Act. A response to the request for information must be provided within 30 days of the request, and if not granted the requester can approach the courts within a 30 day period.

The following information is made known automatically and no requests are required in this regard:

- documents and information on the website
- fees
- general practice terms and policies
- informed consent forms

4. Categories of records held by the practitioner

The practice holds records in the categories listed below. The fact that a record type is listed here does not mean automatic disclosure of these records and all access is subject to the evaluation process outlined above, and will be exercised in accordance with the Act.

Within the health sector, personal and patient information is protected by legislation and ethics, and disclosure only takes place within those frameworks, if at all.

Financial Records:

- Annual financial statements
- tax returns
- accounting records
- banking records
- bank statements
- rental agreements
- invoices
- tax records

Patient documents and records

- contact details and residential address
- patient lists
- health records
- medical records
- funding records
- agreements
- consents
- needs assessments
- financial and accounts information
- medical aid numbers
- research information
- evaluation records
- profiling

5. The purpose of processing the abovementioned records

In terms of business records: to comply with business and tax legislation.

in relation to patients: for retention of records as required by law, to provide health care services and for collection of fees for the services so provided.

Where the practice participates in registries or databases, the specific consent signed by patients to have the information included would disclose the purposes of such databases.

With regard to suppliers and service providers: for record retention as legislated and for their execution of supplier and service level agreements

6. Records available in terms of other legislation

Information is available in terms of the following legislation that is subject to conditions set by such laws. As the law changes from time to time, such laws may alter the scope of access by persons specified in such entities. This list is therefore not to be read as final and complete.

Health legislation:

The National Health Act 61 of 2003

Medical Schemes Act 121 of 1998

Children's Act 38 of 2005

Choice on Termination of Pregnancy Act 92 of 1996

Mental Health Care Act 17 of 2002

Medicines and Related Substances Act 101 of 1965

Choice of Termination of Pregnancy Act 92 of 1996

Health Professions Act 56 of 1974

7. Recipients of Personal information

Lynn van 't Hof may, as per the National Health Act, share relevant personal and health information with other service providers involved in a client's care, when such sharing is in their best interests, and also to medical schemes, where applicable. She is also required to report adverse events of products to the SA Health Products Regulatory Authority and the company who produced the product.

8. Information Security

Documents that are kept in either physical or electronic formats are

- original copies of consent forms submitted by patients or parents / legal guardians of patients
- intake interview form
- handwritten notes made during sessions. Please note that if these are converted to an electronic version then the physical notes are destroyed according to industry guidelines
- physical records are kept in a cupboard in the practice office, and is locked when not in use. No one else has access to this key other than the practice owner. The office is locked when not in use

Electronic information is stored as follows

- electronic records are password protected and stored in a password protected laptop
- electronic records are backed up to a cloud storage provider on a password protected account
- the practice's email account is password protected and accessed through a laptop or mobile phone, both of which are password protected
- other safety measures include firewalls, and virus protection software

Any breaches to the security of patients' confidential information will be communicated to the relevant patients as soon as possible

9. Retention of patient records

In accordance with the HPCSA's guidelines on the keeping of patient records, records are kept for a minimum of six years from the date they become dormant. If the patient is a minor, the records will be kept until the minor's 21st birthday. If the patient is mentally incompetent the records are kept for the duration of the patient's lifetime.

10. Destruction of private and confidential records

In terms of the above, industry guidelines and standards as provided in the guidelines of the HPCSA, will be adhered to.

Signed by Lynn van 't Hof on the 1st July 2021

