

# **PAIA MANUAL OF DR CHANTELL LOPES**

**("The Practice")**

**Prepared in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended) and incorporating the requirements of the Protection of Personal Information Act 4 of 2013.**

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

**BHF:** Board of Healthcare Funders

**Guide:** The guide on how to use the Promotion of Access to Information Act, 2000, published by the Information Regulator in terms of section 10 of PAIA

**HPCSA:** Health Professions Council of South Africa

**IO:** Information Officer

**PAIA:** Promotion of Access to Information Act No. 2 of 2000, as amended

**POPIA:** Protection of Personal Information Act No. 4 of 2013

**Regulator:** The Information Regulator established in terms of POPIA

**Republic:** Republic of South Africa

**The Practice:** The independent online medical practice conducted by Dr Chantell Lopes

## 2. PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1. Check the categories of records held by The Practice which are available without a person having to submit a formal PAIA request.
- 2.2. Have a sufficient understanding of how to make a request for access to a record of The Practice, by providing a description of the subjects on which The Practice holds records and the categories of records held on each subject.
- 2.3. Know the description of the records of The Practice which are available in accordance with any other legislation.
- 2.4. Access the contact details of the Information Officer who handles statutory data requests.
- 2.5. Know the description of the Guide on how to use PAIA and how to obtain access to it.
- 2.6. Know if The Practice processes personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.7. Know the recipients or categories of recipients to whom the personal information may be supplied.
- 2.8. Know if The Practice has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.
- 2.9. Review the digital security measures implemented to protect the confidentiality, integrity, and availability of processed personal and health data.

## 3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

## **Information Officer**

**Name:** Mariana Chantell Lopes

**Physical Address:** 13 Clew Street, Kenmare, Krugersdorp, 1745

**Postal Address:** 13 Clew Street, Kenmare, Krugersdorp, 1745

**Telephone Number:** +27 79 700 0094

**Email Address:** info@drlopes.co.za

**Website:** [drlopes.co.za](http://drlopes.co.za)

## **4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 4.1. The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available a revised Guide on how to use PAIA ("Guide") to assist individuals wishing to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available from the Information Regulator in all official languages and in Braille.
- 4.3. The Guide contains detailed descriptions of:
  - 4.3.1. The objects of PAIA and POPIA.
  - 4.3.2. Contact details for Information Officers across public and private bodies.
  - 4.3.3. The prescribed manner and form required to lodge an information request.
  - 4.3.4. The assistance available from Information Officers and the Regulator.
  - 4.3.5. Legal remedies available regarding acts or failures to act, including complaints to the Regulator and applications to court.
  - 4.3.6. Statutory requirements for public and private bodies to compile manuals and voluntarily disclose records.
  - 4.3.7. Official fee structures related to data requests.
- 4.4. The public can inspect or copy the Guide at the offices of public and private bodies, including the office of the Regulator, during normal business hours.
- 4.5. The Guide can also be obtained:
  - 4.5.1. Upon direct electronic request to the Information Officer of The Practice.
  - 4.5.2. From the official website of the Information Regulator at <https://info regulator.org.za/>.
- 4.6. A copy of the Guide is maintained by The Practice in English for public inspection during normal business hours upon scheduled request to the Information Officer.

## **5. CATEGORIES OF RECORDS AVAILABLE WITHOUT A FORMAL PAIA REQUEST**

The following categories of records are automatically available to the public through The Practice website or upon request to the Information Officer, without the need to submit a formal PAIA request or complete Form 2:

- 5.1. PAIA Manual
- 5.2. Privacy Policy
- 5.3. Terms and Conditions
- 5.4. Telemedicine Consent Form
- 5.5. General information relating to the online healthcare services offered by The Practice, including contact details, consultation fees, practice hours and the services provided.

## **6. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

The Practice maintains records in accordance with the legislation listed below. Access to these records is subject to the provisions of the applicable legislation, including any confidentiality, privacy and access restrictions contained therein.

| <b>Category of Records</b>                                                      | <b>Applicable Legislation</b>                        |
|---------------------------------------------------------------------------------|------------------------------------------------------|
| <b>HPCSA Registrations &amp; Compliance Records</b>                             | Health Professions Act No. 56 of 1974                |
| <b>Patient Clinical Records &amp; Consultation Notes</b>                        | National Health Act No. 61 of 2003                   |
| <b>Prescription Records &amp; Medication Records</b>                            | Medicines and Related Substances Act No. 101 of 1965 |
| <b>Medical Scheme Claims, Invoices &amp; ICD-10 Coding Records</b>              | Medical Schemes Act No. 131 of 1998                  |
| <b>Minor Patient Records &amp; Consent Records</b>                              | Children's Act No. 38 of 2005                        |
| <b>Mental Health Clinical Summaries &amp; Referrals</b>                         | Mental Health Care Act No. 17 of 2002                |
| <b>PAIA Manual &amp; Information Request Logs</b>                               | Promotion of Access to Information Act No. 2 of 2000 |
| <b>Privacy Documentation, Data Processing Records &amp; Operator Agreements</b> | Protection of Personal Information Act No. 4 of 2013 |

|                                                                   |                                                               |
|-------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Electronic Communications &amp; Digital Records</b>            | Electronic Communications and Transactions Act No. 25 of 2002 |
| <b>Financial Accounts, General Ledgers &amp; Tax Returns</b>      | Income Tax Act No. 58 of 1962                                 |
| <b>Tax Administration Records</b>                                 | Tax Administration Act No. 28 of 2011                         |
| <b>VAT Records (where applicable)</b>                             | Value-Added Tax Act No. 89 of 1991                            |
| <b>Website Terms, Booking Records &amp; Cancellation Policies</b> | Consumer Protection Act No. 68 of 2008                        |

## 7. DESCRIPTION OF SUBJECTS ON WHICH RECORDS ARE HELD AND CATEGORIES OF RECORDS HELD

The Practice maintains the following categories of records. Access to these records is considered on a case-by-case basis and may be refused in accordance with PAIA, applicable legislation, legal professional privilege, medical confidentiality and the duty to protect patient privacy.

| <b>Subject Matter</b>                       | <b>Categories of Records</b>                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Operational &amp; Administrative</b>     | HPCSA and BHF registration records; professional indemnity insurance records; PAIA and POPIA compliance documentation; software licensing agreements and subscriptions; practice management and electronic health record system administration records.                                                                                                                           |
| <b>Financial &amp; Taxation</b>             | Accounting records; banking records and statements; invoices and receipts; medical aid billing records; tax records and supporting documentation.                                                                                                                                                                                                                                 |
| <b>Clinical &amp; Patient Health</b>        | Patient identification and demographic information; contact details; medical aid information; medical histories; allergies; chronic conditions; consultation notes; clinical assessments; diagnoses; treatment plans; prescriptions; pathology and radiology reports; referral letters; medical certificates; and other records relating to the provision of healthcare services. |
| <b>telemedicine &amp; Digital Workflows</b> | Appointment schedules; telemedicine consent records; online consultation records; email, SMS and other electronic communications relating to patient care; and system-generated audit logs where applicable.                                                                                                                                                                      |

## 8. PROCESSING OF PERSONAL INFORMATION UNDER POPIA

### 8.1. Purpose of Processing Personal Information

The Practice processes personal information and special personal information for the following lawful purposes:

- 8.1.1. Providing online healthcare services, including consultations, diagnosis, treatment, prescriptions, referrals and medical certificates where clinically appropriate.
- 8.1.2. Creating, maintaining and retaining patient records in accordance with applicable South African legislation.
- 8.1.3. Scheduling appointments and communicating with patients regarding their healthcare and appointments.
- 8.1.4. Managing billing, processing payments and, where applicable, submitting medical scheme claims.
- 8.1.5. Complying with legal, regulatory, professional and ethical obligations.

### 8.2. Categories of Data Subjects and Information Processed

| Category of Data Subject                 | Personal Information Processed                                                                                                                                                                                                                                                                                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Patients</b>                          | Full name, identity or passport number, date of birth, contact details, demographic information, medical aid information, billing information, medical history, consultation records, diagnoses, treatment plans, prescriptions, referral letters, pathology and radiology results, medical certificates and other health records. |
| <b>Parents or Guardians</b>              | Full name, identity number, contact details, proof of relationship to the minor patient, billing information and consent records.                                                                                                                                                                                                  |
| <b>Healthcare Practitioners</b>          | Professional name, practice contact details, professional registration details, referral correspondence and other communications relating to patient care.                                                                                                                                                                         |
| <b>Service Providers &amp; Operators</b> | Contact details, banking information (where applicable), contractual information and professional correspondence.                                                                                                                                                                                                                  |
| <b>Website Users</b>                     | IP address, browser and device information, cookies, website usage information and appointment enquiry details.                                                                                                                                                                                                                    |

### 8.3. Planned Recipients of Personal Information

The Practice may disclose personal information where necessary to provide healthcare services, process payments, comply with legal obligations or where otherwise permitted or required by law. Personal information may be shared with:

- 8.3.1. Medical schemes and their administrators.
- 8.3.2. Pharmacies, pathology laboratories, and radiology practices.
- 8.3.3. Specialists, allied healthcare professionals and other healthcare providers involved in the patient's care.
- 8.3.4. Professional indemnity insurers, accountants, auditors and the South African Revenue Service (SARS).
- 8.3.5. Courts, regulatory authorities or law enforcement agencies where disclosure is required by law.
- 8.3.6. Third-party operators and service providers engaged by The Practice.

#### **8.4. Third-Party Service Operators**

The Practice appoints reputable third-party operators to process personal information on its behalf where necessary to provide healthcare services and manage the operation of the Practice. These operators may include providers of practice management software, electronic health record systems, payment processing services, website hosting, secure communications and other information technology services. The Practice takes reasonable steps to ensure that all operators process personal information in accordance with POPIA, including implementing appropriate contractual obligations and maintaining suitable technical and organisational security measures.

#### **8.5. General Description of Information Security Measures**

The Practice implements reasonable technical and organisational measures to protect personal information against loss, unauthorised access, disclosure, alteration or destruction, in accordance with POPIA. Security measures include:

- 8.5.1. Password-protected systems with multi-factor authentication (MFA).
- 8.5.2. Encryption of personal information during transmission and storage where appropriate.
- 8.5.3. Firewalls, endpoint security, anti-malware software and regular software updates.
- 8.5.4. Secure cloud-based storage and routine system backups.
- 8.5.5. Access controls that restrict access to patient records to authorised persons, unless disclosure is required or permitted by law.

#### **8.6. Retention of Personal Information**

- 8.6.1. Personal information, including patient health records, is retained only for as long as necessary to fulfil the purpose for which it was collected and in accordance with applicable South African legislation and HPCSA guidelines.
- 8.6.2. When personal information is no longer required and there is no legal obligation to retain it, it will be securely deleted, anonymised or destroyed

in accordance with applicable legislation and The Practice's record management procedures.

## **9. AVAILABILITY OF THE MANUAL**

- 9.1. This Manual is available on The Practice's website at [drlopes.co.za](http://drlopes.co.za).
- 9.2. An electronic copy of this Manual may also be requested from the Information Officer by email.

## **10. UPDATING OF THE MANUAL**

The Information Officer will review and update this Manual periodically to reflect any changes in applicable legislation, regulatory requirements or the operations of The Practice.

## **11. FEES AND PROCEDURES FOR REQUESTS**

- 11.1. A requester seeking access to a record that is not automatically available must complete the prescribed **Form 2 (Request for Access to Record)** issued by the Information Regulator. The completed form must be submitted to the Information Officer by email.
- 11.2. A requester may be required to pay the prescribed request fee and any applicable access or reproduction fees in accordance with PAIA and its Regulations.
- 11.3. Where applicable, the Information Officer will notify the requester of any prescribed fees before processing the request, in accordance with PAIA.

**Issued by:**

**DR CHANTELL LOPES**  
**Information Officer**

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

## **ANNEXURE A: REQUEST FOR ACCESS TO RECORD [FORM 2]**

Requesters must complete the official Form 2 available directly on the website of the Information Regulator at <https://inforegulator.org.za/> or or by contacting the Information Officer.