

Health Information Systems Program South Africa

Registration Number of Company: (2003/005786/08)

("HISP")

MANUAL

in terms of Section 51 of

The Promotion of Access to Information Act

No. 2 of 2000 ("PAIA" or the "ACT")

("Manual")

VERSION HISTORY

VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1.0	Sean Broomhead	25/07/2021	First version	E Claasen, H Naude

1. INTRODUCTION

HISP is a non-profit company dedicated to improving lives through the development and implementation of sustainable digital solutions. HISP partners with ministries of health, universities, NGOs and private companies to support integration of information systems through open standards and data exchange mechanisms. We adopt a free and open-source philosophy of sharing our products such as training materials and software solutions. We promote access to, and use of, information for action.

2. INFORMATION OFFICER AND HEAD OFFICE DETAILS

Information Officer (CEO):	Name:	Sean Broomhead
	Phone number:	+27 79 496 1993
	E-mail address:	io@hisp.org

HISP's Head Office:	Postal Address:	Postnet Suite #47, Private Bag X3, Beacon Bay 5205, East London
	Street Address:	66 Rigel Ave North, Waterkloof Ridge, 0181, Pretoria
	Telephone Number:	012 460 9372
	E-mail Address:	io@hisp.org

3. THE ACT

- 3.1 The ACT grants a requester access to records of a private body, if –
- 3.1.1 the record is required for the exercise or protection of any rights;
 - 3.1.2 the requesting person complies with the procedural requirements of PAIA; and
 - 3.1.3 access is not refused in terms of a ground for refusal contained in PAIA.
- 3.2 If a public body lodges a request, the public body must be acting in the public interest.
- 3.3 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in clauses 6 and 9 of this Manual.
- 3.4 Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (“**SAHRC**”), which will contain information for the purposes of exercising Constitutional Rights. The guide is available from the SAHRC. The contact details of the SAHRC are:
- Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION

HISP is required to hold records in terms of the following Acts:

No	Ref	Act
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 63 of 2001	Unemployment Insurance Act
13	No 4 of 2002	Unemployment Insurance Contributions Act
14	No 63 of 1977	Health Act
15	No 68 of 2008	Consumer Protection Act
16	No 9 of 1933	Currency and Exchanges Act
17	No 38 of 2001	Financial Intelligence Act
18	No 34 of 2005	National Credit Act
19	No 85 of 1993	Occupational Health and Safety Act
20	No 70 of 2002	Regulation of Interception of Communications Act
21	No 97 of 1998	Skills Development Act
22	No 9 of 1999	Skills Development Levies Act
23	No 194 of 1993	Trade Marks Act

5. CLASSIFICATION OF RECORDS AND AVAILABILITY

Company records classification key:

Classification No.	Access	Classification
Classification No. 1	May Be Disclosed	Public Access Document
Classification No. 2	May Not Be Disclosed	Request after commencement of criminal or civil proceedings [s7]
Classification No. 3	May Be Disclosed	Subject to copyright
Classification No. 4	Limited Disclosure	Personal Information that belongs to the requester of that information [s61]
Classification No. 5	May Not Be Disclosed	Unreasonable disclosure.
Classification No. 6	May Not Be Disclosed	Likely to harm the commercial or financial interests of third party [s64(a)(b)]
Classification No. 7	May Not Be Disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(c)]
Classification No. 8	May Not Be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
Classification No. 9	May Not Be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
Classification No. 10	May Not Be Disclosed	Legally privileged document [s67]
Classification No. 11	May Not Be Refused	Environmental testing/investigation which reveals public safety / environmental risks [s64(2); s68(2)]
Classification No. 12	May Not Be Disclosed	Commercial information of Private Body [s68]
Classification No. 13	May Not Be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
Classification No. 14	May Not Be Refused	Disclosure in public interest [s70]
Classification No 15	May Not Be Disclosed	Records which HISP does not own and therefore do not have the authority to release. Access must be sought from the owner of the information.

Summary: Records availability

Departmental Records	Subject	Classification No.
Corporate Services	Staff Records	4,5,9
	Employment Contracts	4,5
	Policies and Procedures	4
	Health & Safety records	4,5,8
Finance	Financial Statements	12
	Financial and Tax Records (Company & Employees)	12
	Asset Register	12
	Management Accounts	12
	Contracts and SLAs	12,14
Systems Infrastructure	Policies and Procedures	4
	Infrastructure Resource Modelling records	7
	Server access credentials	6,7,8,15
	Database backups	7,8,15
Project Implementation	Stakeholder Contact details	4,8,14
	Project reports	4
	Project plans	4,8,15
	Staff cost in Costed proposals	12
Digital Transformation	Zammad ticketing system tickets	15
	Business Requirement Specification	6,7,8
Engineering	Personal records of individuals including health records	15
	Aggregated health data records	15
	User registration records	15
Business Development	Partner records	8
	Mailing lists for marketing	8,14

6. FORM OF REQUEST

HISP does not own aggregated or personal information in the database which we host or manage on behalf of clients, thus we are unable to provide relevant information from these systems. Access to such information must be requested from the owner of the information on the prescribed forms, available on the website of the SAHRC at www.sahrc.org.za.

To request information from HISP regarding HISP or data hosted by HISP kindly:

- 6.1 Use the prescribed form which can be found on our website and submit the form via the website. A ticket number shall be sent back to you to which you can respond for any subsequent queries.
- 6.2 Direct the request to the Information Officer who shall consider the request and provide a decision within 30 (thirty) days of having received the request or having received the prescribed particulars in terms of section 53(2) of PAIA.
- 6.3 Provide -
 - 6.3.1 sufficient details to enable HISP to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity); and
 - (c) The form of access required;
 - 6.3.2 the contact details of the requesting party including e-mail address and postal address of the requester in the Republic of South Africa;
 - 6.3.3 if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
 - 6.3.4 the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect such right.
- 6.4 A request for information may be refused by HISP if it does not comply with PAIA or if HISP believes that there is a valid ground for objection in terms of PAIA.
- 6.5 Should a request for records be made on behalf of a third party, authority to do so must be provided to the Information Officer.

7. GRANTING OF REQUEST FOR INFORMATION

- 7.1. Should a request be granted, HISP shall provide the requesting person with the following information:
 - 7.1.1. the access fee payable by the requesting person;
 - 7.1.2. the type of access which will be granted; and
 - 7.1.3. notice that the requesting person may approach a competent court to dispute the access fee or the type of access to be granted.
- 7.2. Once a request has been granted, the records shall be made available to the requesting person once the relevant fee has been paid.

8. DENIAL OF REQUEST FOR INFORMATION

- 8.1. A request for access to information may be refused in the following circumstances:

- 8.1.1. protecting personal information that HISP holds regarding a third party from unreasonable disclosure;
 - 8.1.2. protecting commercial information that HISP holds regarding a third party which may harm the commercial or financial interests of such third party;
 - 8.1.3. if the disclosure would result in a breach of a duty of confidence owed to a third party;
 - 8.1.4. if the disclosure would jeopardise the safety or life of a natural person;
 - 8.1.5. if disclosure would prejudice or impair the security of property or means of transport of a person;
 - 8.1.6. if disclosure would prejudice or impair the protection of a person who is subject to a witness protection scheme;
 - 8.1.7. if disclosure would prejudice or impair the protection of the safety of the public;
 - 8.1.8. the record is privileged from production in legal proceedings unless privilege in relation to such record has been waived;
 - 8.1.9. if the record is a computer programme;
 - 8.1.10. disclosure of the record will put HISP at a disadvantage in contractual or other negotiations or prejudice HISP in commercial competition;
 - 8.1.11. disclosure of the record would harm the commercial or financial interests of HISP; and
 - 8.1.12. records containing information about research being carried out or about to be carried out on behalf of a third party or a company which is related to HISP, and which have not been made public by HISP.
- 8.2. Should a request be refused, HISP shall provide the requesting person with the following information –
- 8.2.1. adequate reasons for the refusal including the relevant sections of PAIA; and
 - 8.2.2. notice that the requesting person may lodge an application with a competent court against the refusal and against the procedure including the period for lodging the application.

9. **FEES**

- 9.1. A non-refundable request fee is payable to HISP upon the submission of the request.
- 9.2. A requesting party who has made a request for access to records and such request has been granted must pay an access fee to HISP for the search and preparation of the records and any time reasonably required which exceeds the prescribed hours for searching and preparation arrangements.
- 9.3. The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development.

10. REQUEST FOR RECORDS CONTAINING THIRD PARTY INFORMATION

- 10.1. Should records be requested that contain information pertaining to a third party, HISP is obliged to attempt to contact the third party to inform it of the request and to provide it with the opportunity to respond to the request by consenting or providing reasons why the access should be refused.
- 10.2. Should the third party provide reasons for the support of or against providing access, the Information Officer will consider such reasons in determining whether access should be granted.
- 10.3. The requesting party may appeal the decision of the Information Officer to a competent court in the Republic of South Africa in accordance with PAIA.

11. RECORDS THAT CANNOT BE FOUND OR DOP NOT EXIST

- 11.1. Should all reasonable steps be taken by HISP to find a requested record and there are reasonable grounds to believe that the record:
 - 11.1.1. is in HISP's possession but cannot be found; or
 - 11.1.2. does not exist,then the Information Officer shall notify the requesting party that it is not possible to provide the requesting party access to such record.
- 11.2. The communication contemplated in **clause 11.1** shall set out the steps taken and correspondence exchanged relating thereto by HISSP to find the requested record or to determine whether the record exists.
- 11.3. A notice in terms of **clause 11.2** shall constitute a refusal by HISP.
- 11.4. Should the record be found after a notice in terms of **clause 11.2** is sent to the requesting party, HISP shall provide the requesting party access to the record, unless refused in terms of a ground for refusal by the Information Officer.

12. AVAILABILITY OF THIS MANUAL

This Manual is available for inspection on HISP's website by clicking on the following [link](#)

13. MANUAL AMENDMENTS

- 13.1. This Manual shall be reviewed annually by HISP.
- 13.2. Notwithstanding **clause 13.1** above, HISP may amend this Manual as and when required.

14. INTERPRETATION

- 14.1. In this Manual, unless the context requires otherwise:
 - 14.1.1. words importing any one gender shall include the other two genders;
 - 14.1.2. the singular shall include the plural and vice versa; and

- 14.1.3. a reference to natural persons shall include created entities (corporate or unincorporated) and vice versa.
- 14.2. In this Manual, the headings have been inserted for convenience only and shall not be used to assist or affect its interpretation.
- 14.3. Where a clause reference is referred to in this Manual and followed by the heading of the clause so referred, if there is any conflict between the two, the word reference to the heading shall prevail.
- 14.4. Words and/or expressions defined in any clause in the body of this Manual shall, unless the application of such words and/or expressions is specifically limited to that clause, bear the meaning so assigned to it throughout this Manual.
- 14.5. The *eiusdem generis* rule shall not apply and accordingly, whenever a provision is followed by the word “including” followed by specific examples, such examples shall not be construed to limit the ambit of the provision concerned.