

PROMOTION OF ACCESS TO INFORMATION ACT
SECTION 51 MANUAL
FOR
ACCESS TO INNOVATIVE CARE FOUNDATION (“AICF”)
NON-PROFIT ORGANISATION

1. ABOUT THE AICF

The Access to Innovative Care Foundation, (“AICF”) is a non-profit organisation established in December 2010 with the intent of improving patient access to innovative cancer care. In 2016, the ICCF changed its name to the AICF through having expanded to incorporate other therapeutic areas where access to innovative care is a challenge for healthcare providers and patients. The primary business of the AICF is to manage patient programmes that provide innovative care to eligible patients.

2. AVAILABILITY OF THIS MANUAL

This Manual is published available in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000, (“the Act”) and Regulation 4 of Regulations Pertaining to the Protection of Personal Information Act, 2017 (“POPI Regulations”).

The Act gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information held by the State and to information held by another person or entity, whether such information is required by someone to protect his/her rights.

This Manual serves to inform members of the public of the categories of information held by AICF, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application made in terms of the Act.

A copy of this Manual is available to the Information Regulator and to any person upon request and upon payment of a the required amount–

A copy of this Manual is available -

- On request from our Information Officer via email at jeanette@aicf.org.za
- On our website: <http://www.aicf.org.za/>
- From the South African Human Rights Commission (“SAHRC”) or once the Protection of Personal Information Act, 2013 (“POPI Act”) comes into effect, from the Information Regulator:

<http://www.justice.gov.za/inforeg/about.html>

This Manual will be updated from time to time, as and when required.

3. AICF INFORMATION OFFICER

Our Information Officer is:

Jeanette Schwegman: AICF Chief Executive Officer
Telephone number: 082 600 8472
E-mail: jeanette@aicf.org.za
Postal Address: PO Box 271, Saxonwold, 2132

4. HOW TO REQUEST ACCESS TO RECORDS HELD BY AICF

- 4.1. Requests for access to records held by AICF must be made on the request forms that are available from our website or office, or from the SAHRC website (www.sahrc.org.za) or on the website of the Department of Justice at http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf and attached hereto as **Annexure A**, (“Request Form”).
- 4.2. The request must be addressed to our Information Officer.
- 4.3. When a record is requested, the following will apply:
 - 4.3.1. A fee or fees which are prescribed by the Act and regulations may be payable. The current fee schedule is attached to this document as **Annexure B**. Kindly note that the fees can change from time to time as and when the laws are amended.
 - 4.3.2. The Requester must complete all the details on the Request Form, including the right the requester wants to exercise or protect by requesting the information and the reason the access to the information is required.
 - 4.3.3. If the requester is acting on behalf of someone else, the signature of the person on whose behalf he/she is acting authorising the request to be made must be provided in order for us to verify the validity of the authority and further proof to that effect may be required by AICF.
- 4.4. The requester must specify the format, (inspection of copy, paper copy, electronic copy, transcript, etc.) in which s/he wants to access the information.
- 4.5. If the record is part of another record, the requester will only be given access the part(s) that pertain(s) to the information s/he has requested or is entitled to, and not the entire record.

All requests will be evaluated against the provisions of the Act. And the Information Officer may refuse access on the basis or grounds provided by the Act. Access

another person's confidential information, or trade or commercial secrets of a business, for example, may not be accessed.

AICF must respond to a request for information within 30 (thirty) days of the request, in accordance with the Act and if not granted, and the requester is not satisfied s/he may approach the courts within 30 (thirty) days of the decline decision.

5. HOW THE ACT WORKS AND INFORMATION PUBLISHED BY THE SAHRC

5.1. The Act provides that a requester may be provided access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the interest of the public.

5.2. Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided. The forms and tariff are dealt with under section 53 and 54 of the Act.

5.3. Additional information regarding how requesters can exercise their Constitutional Rights is contained under the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission, ("SAHRC"). The Guide and all other additional information on how the Act works can be obtained from the SAHRC at:

Postal Address:	Private Bag 2700, Houghton,20141
Telephone Number:	+27 11 877 3600
Fax number:	+27 11 403 0625
Website:	www.sahrc.org.za

There are also provincial SAHRC offices in all provinces.

6. VOLUNTARY DISCLOSURE

The following information is made accessible automatically on the AICF website, and persons do not have to request such information:

- AICF POPI Policy.

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time to time, and new laws may stipulate new manners and extend or limit the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

Business legislation (including all regulations issued in terms of such legislation):

Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; National Credit Act 34 of 2005; etc.

Health legislation (including all regulations issued in terms of such legislation):

The National Health Act 61 of 2003; and Medical Schemes Act 121 of 1998; Medicines and related substances Act 101 of 1965, Hazardous Substances Act 15 of 1973; Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972; Children's Act 38 of 2005; Sterilisation Act 44 of 1998; Allied Health Professions Act 63 of 1982; Pharmacy Act 53 of 1974; Standards Act 8 of 2008; National Regulator for Compulsory Specifications Act 5 of 2008, etc.

8. RECORDS HELD BY AICF IN RELATION TO DATA SUBJECTS

AICF holds records in the following categories:

Internal records relating to our business, which includes minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, any intellectual property; marketing records; internal correspondence; statutory records; etc.

Personnel records, which may include records relating to temporary employees, fixed term employees, part-time employees, contractors, directors, executive directors, non-executive directors. It includes personal files and similar records, records provided by third parties regarding their personnel; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; performance management records and systems and all employment-related records and correspondence.

Please Note: In the health sector, personal, health and patient information are protected by legislation such as the Protection of Personal Information Act, the National Health Act and HPCSA ethical rules, and disclosure can only take place, if at all, within these and other frameworks.

Supplier, service provider, benefactor records, which may include supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; deliverables/output of the contracts; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service and other contacts.

Technical records, which may include submissions to government, statutory and other bodies, manuals, logs, electronic and cached information, statutory body records, approvals, conditions and requirements.

Third party information, which may be in our possession, but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

Environment and market information, which may include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our 'business' and factors that affect the business, professional and healthcare environment.

Note: The fact that we list a record type here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

9. THE PURPOSE OF PROCESSING THE INFORMATION:

AICF processes information for the following purposes:

- 9.1. Communication with and payment for services.
- 9.2. To drive research and conduct surveys to improve the services we make available to patients;
- 9.3. AICF Council records and agreements;
- 9.4. Employment records and agreements; and
- 9.5. Provision of services and supply of goods.

10. CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

- 10.1. Board of AICF
- 10.2. Professional associations- for peer review and eligibility confirmation.
- 10.3. SAHPRA
- 10.4. National Department of Health
- 10.5. Medical Schemes
- 10.6. Dispensing pharmacies

10.7. Pharmaceutical companies

10.8. Device Companies

11. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

AICF does not have any planned trans-border flow of Personal Information.

12. GENERAL DESCRIPTION OF SECURITY

Records held by AICF are stored as follows:

12.1. Electronic Records stored on the AICF Server and are secured by firewall protections and password protected access to information.

12.2. Paper documents are in a locked office which is accessible only to the AICF CEO.

13. PRESCRIBED FEES

The following applies the request other than personal requests:

13.1. The requestor is required to pay the prescribed fee of R50 before the request will be processed.

13.2. If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.

13.3. The requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

13.4. Records may be withheld until fees have been paid.

13.5. The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za and attached hereto as Annexure B.

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:				
	copy of record*		inspection of record	
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
	view the images		copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:				
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:				
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at this day of year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure B

Fees payable for reproduction in terms of the Act are as follows:

Description	Fee in Rands
(a) For every photocopy of an A4 size or part thereof	1,10
(b) For every printed copy of a A4 size page or part thereof held on a computer or electronic machine readable form	0,75
(c) For a copy in a computer-readable form on a compact disc	70,00
(d) For transcript of visual images	
i. A4 page or part thereof	40,00
ii. Copy of visual images	60,00
(e) For a transcript of audio record	
i. For an A4 size	20,00
ii. For a copy of the audio record	30,00
(f) To search for the record for disclosure	30,00 for each hour or part thereof reasonably required for such as search