

**THE COLLEGES OF MEDICINE OF SOUTH AFRICA NPC
(REGISTRATION NUMBER: 1955/000003/08)**

(the “CMSA”)

MANUAL

In terms of section 51 of

**The Promotion of Access to Information Act
2 of 2000**

(the “PAIA”)

The purpose of the Promotion of Access to Information Act, 2 of 2000, (the “PAIA”) is to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

The PAIA was enacted in order to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and in order to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

The PAIA applies to records of a private body, which records are defined in section 1 of the PAIA as any recorded information, regardless of form or medium, in the possession or under the control of the private body and whether or not it was created by that private body

In terms of section 50 of the PAIA, a requester must be given access to any record of the private body if that record is required for the exercise or protection of any rights, the requester complies with the requirements relating to a request for access to the record and access to the record is not refused on any ground contemplated in sections 63 to 70 of the PAIA, namely:

1. Mandatory protection of privacy of third party who is a natural person;
2. Mandatory protection of commercial information of third party;
3. Mandatory protection of certain confidential information of third party;
4. Mandatory protection of safety of individuals, and protection of property;
5. Mandatory protection of records privileged from production in legal proceedings;
6. Commercial information of third party;
7. Mandatory protection of research information of third party, and protection of research information of third party; and
8. Mandatory protection in public interest.

THE COLLEGES OF MEDICINE OF SOUTH AFRICA NPC

The CMSA was founded and financed in 1954 by members of the medical profession and registered as a non-profit company in 1955. The CMSA is the custodian of the quality of medical care in South Africa and is unique in the world in that it embraces 28 constituent Colleges representing all the disciplines of medicine and dentistry. Because the CMSA has the unique structure of containing all medical and dental specialties within a single framework, it has the potential to foster aspects of medical education and medical professionalism which are common to all disciplines.

CONTACT DETAILS – SECTION 51(1)(a)

Name of private body:	The Colleges of Medicine of South Africa NPC
Physical Address:	17 Milner Road, Rondebosch, 7700
Website:	www.collegemedsa.ac.za
Contact Person:	Lize Trollip - CEO
Tel No of Contact Person:	021 689 9533
Fax No of Contact Person:	021 685 3766
E-Mail Address of Contact Person:	lize.ceo@colmedsa.co.za

THE SA HUMAN RIGHTS' COMMISSION'S SECTION 10 GUIDE ON HOW TO USE THE ACT - SECTION 51(1)(b)

The guide is available from the South African Human Rights Commission and any queries can be directed to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address: Private Bag X2700, Houghton, 2041
Telephone: +27 11 877 3600
Fax: +27 11 403 0625
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

CLASSIFICATION OF ACCESSIBILITY OF RECORDS

Classification Number	Access	Categories of records
1	May be disclosed	Statutory instruments/ public access documents
2	May not be disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May not be disclosed	Information required to be kept confidential in terms of any other statute, regulation, rule or other lawful prescription

Classification Number	Access	Categories of records
4	Limited disclosure	Personal information that belongs to the requester of that information [s61]
5	May not be disclosed	Unreasonable disclosure of personal information of natural person [s63(1)]
6	May not be disclosed	Likely to harm the commercial or financial interests of third party [s64(a) & (b)]
7	May not be disclosed	Likely to harm the CMSA or third party in contract or other negotiations [s64(c)]
8	May not be disclosed	Will breach a duty of confidence owed to a third party in terms of an agreement [s65]
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclosed	Legally privileged documents [s67]
11	May not be disclosed	Environmental testing /investigation which reveals public safety/ environmental risks [S64(2); s68(2)]
12	May not be disclosed	Commercial information of the CMSA as specified in s68
13	May not be disclosed	Likely to prejudice research and development information of the CMSA or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]
15	Available without person having to request access	Information available on www.collegemedsa.ac.za

RECORDS HELD BY THE CMSA

Departmental records	Subject
Company information	<ul style="list-style-type: none"> • Certificate of Incorporation • Certificate of Name Change • Memorandum of Incorporation • Rules and regulations • Minute book • Directors and Members Resolutions • Register of directors and members • Annual financial statements • Accounting records

	<ul style="list-style-type: none"> • Investment accounts records • Tax records • Asset register • Agreements with directors, members, contractors, suppliers and/ or other third parties • Insurance policies • Documentation relating to legal proceedings • Documents and records relating to members • Documents and records relating to examination-related functions of the CMSA • Documents and records related to fund-raising, awards and scholarships in respect of or pertaining to the CMSA
Information technology	<ul style="list-style-type: none"> • Hardware • Operating systems • Telephone exchange equipment • Telephone lines, leased lines and data lines • Software packages
Marketing and sales	<ul style="list-style-type: none"> • Member database
Records required to be held by other legislation (s51(1)(d) of the PAIA)	<ul style="list-style-type: none"> • Income Tax Act 58/1962 • Value-Added Tax Act No 59/1991 • Unemployment Insurance Act 30/1966 • Basic Conditions of Employment Act 75/1997 • Compensation for Occupational Injuries and Diseases Act 130/1993 • Skills Development Levies Act 9/1999 • Skills Development Act 97/1998 • Companies Act 71/2008 • Insurance Act 27/1943 • Promotion of Access to Information Act 2/2002

MANNER OF ACCESS AND APPEALS PROCESS

To facilitate the processing of a request, a requester should:

1. Use the prescribed form, available at the registered address of the CMSA.
2. Address the request to "The information officer".
3. Provide sufficient details to enable the CMSA to identify:
 - 3.1 The record/s requested;
 - 3.2 The requester (and if an agent is lodging the request, proof of capacity);
4. Indicate which form of access is required;
5. Specify the postal address and fax number/ email address of the requester; and
6. Identify 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 the right.

As soon as possible but in any event within 30 days after receipt of a request which complies with the requirements of the PAIA and the contents of this manual, the head of the CMSA shall decide whether to grant the request in accordance with the PAIA and the contents of this manual and notify the requester of the decision in this regard. The head of the CMSA reserves its right to extend the aforesaid 30 day period for a further period of 30 days on grounds set out in the PAIA, subject to the head of the CMSA notifying the requester of the

extension, the reasons for the extension and that the requester can apply to court against the extension.

If the head of the CMSA fails to give a decision on a request within the aforesaid period, the request is deemed to have been refused.

A requester aggrieved by:

1. the decision of the head of a private body to refuse a request for access;
2. a decision taken in respect of fees;
3. a decision to extend the requisite period to deal with the request; or
4. a decision in respect of the form of access to a record may by way of an application within 30 days apply to court for appropriate relief in terms of section 78 read with section 82 of the PAIA.

OTHER PRESCRIBED INFORMATION

Fees in Respect of Requests for Information of Private Bodies (section 54)

In the case of requests where the requester is seeking to access a record which contains personal information about the requester ("**personal requester**"), no fee is payable.

In all other cases, a list of the fees payable by a requester is attached as **Annexure A** hereto, which list is in accordance with regulation 11(1) of the Regulations to the Promotion of Access to Information, 15 February 2002 (made in terms of section 92 of the PAIA).

Application Form for Request for access to record of private body (section 53)

A copy of the application form is attached as **Annexure B** hereto, which form is in accordance with regulation 10 of the Regulations to the Promotion of Access to Information, 15 February 2002 (made in terms of section 92 of the PAIA).

Availability of the manual (section 51(3))

This manual is available for inspection at the address of the CMSA, on the website of the CMSA and a copy has been made available to the SA Human Rights Commission in accordance with regulation 9(1) of the Regulations to the Promotion of Access to Information, 15 February 2002 (made in terms of section 92 of the PAIA).

ANNEXURE A

FEES IN RESPECT OF PRIVATE BODIES

1) The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4 size page or part thereof.

2) The fees for reproduction referred to in regulation 11(1) are as follows :

	R
a) For every photocopy of an A4size page or part thereof	1.10
b) For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine - readable form	0.75
c) For a copy in a computer-readable form on –	
i) stiffy disc	7.50
ii) compact disc	70.00
d)	
i) For a transcription of visual images, for an A4-size page or part thereof	40.00
ii) For a copy of visual images	60.00
e)	
i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
ii) For a copy of an audio record	30.00

3) The request fee payable by every requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4) The access fees payable by a requester referred to in regulation 11(3) are as follows :

	R
(1)	
a) For every photocopy of an A4-size page or part	1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable	0.75
c) For a copy in a computer-readable form on –	
i) stiffy disc	7.50
ii) compact disc	70.00
d)	
i) For a transcription of visual images, for an A4-size page or part thereof	40.00
ii) For a copy of visual images	60.00

- e)
 - i) For a transcription of an audio record, for an A4-size page or part thereof 20.00
 - ii) For a copy of an audio record 30.00
 - f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- (2) For purposes of section 22(2) of the Act, the following applies :
- a) Six hours as the hours to be exceeded before a deposit is payable; and
 - b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE B

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person.
--

Full names and surname:

Identity number:

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:

2 Reference number, if available:

3 Any further particulars of record:

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:

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 hereunder, 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.	
<p>NOTES:</p> <ul style="list-style-type: none"> (a) Compliance with your request 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 for 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; border: none;">YES</td> <td style="width: 50%; text-align: center; border: none;">NO</td> </tr> </table>	YES	NO
YES	NO				

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

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?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE