



# Dr. Wesley M. Aitchison

## Specialist Physician

BHSc (Biomed. Sci) • MBBCh (Wits) • Dip PEC (SA) • Dip HIV Man (SA) • MMed (Internal Med) • FCP (SA)

PR1167200 | MP0788147 | REG NO. 2024/102451/21 | VAT NO. 4330320179

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# Dr Wesley M Aitchison Inc

## PROMOTION OF ACCESS TO INFORMATION ACT "PAIA" MANUAL AND PROTECTION OF PERSONAL INFORMATION ACT "POPIA" MANUAL



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## 1 Definitions

- 1.1. **“Data Subject”** means the person to whom personal information relates
- 1.2. **“Dr Wesley Mark Aitchison ”** means Dr Wesley Mark Aitchison a qualified specialist physician duly registered with the Health Professions Council of South Africa, in terms of the legislation applicable in the Republic of South Africa, with registration number MP0788147 with offices at Suite 58, Block H, Life Wilgehewel Hospital, Cnr Amplifier & Paul Kruger St, Radiokop
- 1.3. **“HPCSA”** means the Health Professions Council of South Africa
- 1.4. **“IO”** means the Information Officer of the Practice, as duly registered with the IR,
- 1.5. **“IR”** means the Information Regulator, which is an independent body established in terms of section 39 of POPIA. It is subject only to the law and the constitution and it is accountable to the national assembly. The Information Regulator is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of POPIA and PAIA,
- 1.6. **“Manual”** means this combined PAIA and POPIA manual, as updated and published by the Practice from time to time;
- 1.7. **“PAIA”** means the Promotion of Access to Information Act, Act No. 2 of 2002 (as amended),
- 1.8. **“POPIA”** means the Protection of Personal Information Act, Act No. 4 of 2013.
- 1.9. **“Regulator”** means the Information Regulator (“IR”) of South Africa
- 1.10. **“Relevant Party”** means the individual or entity entitled to request access to records held by the Practice under PAIA or other applicable legislation. This includes:
  - 1.10.1. The requester of a record, as contemplated in PAIA Sections 11 or 50.
  - 1.10.2. The person on whose behalf a request is made, such as a patient or data subject (referred to as the “relevant person” in PAIA Section 61 for health records).
  - 1.10.3. An authorised representative, such as a person with parental responsibilities for a minor under 16 years (PAIA Section 61(2)(a), Children’s Act, No. 38 of 2005), a court-appointed representative for an incapacitated person (PAIA Section 61(2)(b)), or a person with explicit consent or legal authority to act on behalf of the data subject.
  - 1.10.4. Entities such as health authorities (e.g., for notifiable conditions under the National Health Act, No. 61 of 2003), medical schemes (under the Medical Schemes Act, No. 131 of 1998), or other third parties authorised by law or contract to access specific records.
- 1.11. **“The Practice”** means Dr Wesley M Aitchison Inc, a personal liability company with registration number 2024/102451/21.

## 2 Purpose of the Manual

- 2.1. This Manual assists members of the public and data subjects:
  - 2.1.1. To understand records held by the Practice and how to request access under PAIA or other legislation,
  - 2.1.2. To access the contact details of the Information Officer who will assist with your request,



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- 2.1.3. To understand the different categories of records and personal information held by the Practice,
- 2.1.4. To understand to whom the Practice may provide your personal information,
- 2.1.5. To understand what categories of information (including personal information) the Practice may hold,
- 2.1.6. To ascertain whether the Practice processes certain personal information and if so, to understand the purpose of the Practice processing your personal information as well as the categories relating to personal information.
- 2.1.7. To ascertain if the Practice will transfer any of your information outside of the borders of the Republic of South Africa and to know how the recipients will receive your personal information as well as the categories of personal information such recipients will receive,
- 2.1.8. To understand the Practice's security measures and data breach procedures for protecting personal information.
- 2.1.9. To access forms and procedures for requesting records or personal information, including rights to correct or object to processing under POPIA,
- 2.1.10. To understand available remedies for non-compliance with PAIA or POPIA, including complaints to IR and court applications.

### 3 Information Officer and Practice Particulars

<b>Name of Body</b>	Dr Wesley M Aitchison Inc.
<b>HPCSA Registration Number:</b>	MP0788147
<b>Appointed Information Officer (IO)</b>	Dr Wesley Mark Aitchison
<b>Information Officer (IO) email Address</b>	<a href="mailto:reception@drwma.co.za">reception@drwma.co.za</a>
<b>Physical Address</b>	Suite 58, Block H, Life Wilgehuwel Hospital, Cnr Amplifier & Paul Kruger St, Radiokop
<b>Postal Address</b>	Suite 58, Block H, Life Wilgehuwel Hospital, Cnr Amplifier & Paul Kruger St, Radiokop
<b>Telephone Number</b>	(011) 796 6781
<b>Email</b>	<a href="mailto:reception@drwma.co.za">reception@drwma.co.za</a>
<b>Website</b>	<a href="http://www.drwma.co.za">www.drwma.co.za</a>



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## 4 PAIA Guide

- 4.1. The IR has published a revised guide on how to use PAIA (Guide – On how to use the Promotion of Access to Information Act 2 of 2002, as amended) (“the Guide”), for any person who wants to exercise their right to information under PAIA or POPIA.
- 4.2. The Guide is available in each of the official languages and in braille
- 4.3. The Guide contains a description of:
  - 4.3.1. The objects of PAIA and POPIA,
  - 4.3.2. The contact details of the Information Officer and Deputy Information Officer,
  - 4.3.3. The manner and form of a request for-
    - 4.3.3.1. Access to a record of a public body contemplated in section 11<sup>1</sup>, and
    - 4.3.3.2. Access to a record of a private body, contemplated in section 50<sup>2</sup>,
  - 4.3.4. The assistance available from the IO of a public body in terms of PAIA and POPIA;
  - 4.3.5. The assistance from the Regulator in terms of PAIA and POPIA,
  - 4.3.6. All remedies in law available regarding an act of failure to act in respect of a right or duty conferred or imposed by PAIA or POPIA, including the manner of lodging-
    - 4.3.6.1. An internal appeal,
    - 4.3.6.2. A complaint to the IR,
    - 4.3.6.3. An application with a court against a decision by the Information Officer of a public body, a decision of an internal appeal or a decision by the IR or a decision of the head of a private body;
  - 4.3.7. The provisions of sections 14<sup>3</sup> and 51<sup>4</sup> requiring a public and private body, respectively, to compile a manual, and how to obtain access to the manual;
  - 4.3.8. The provisions of sections 15<sup>5</sup> and 52<sup>6</sup> providing for the voluntary disclosure of categories of records by a public body and private body respectively;

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<sup>1</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>2</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if: a) that record is required for the exercise or protection of any rights; b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>3</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 3 above.

<sup>4</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 3 above.

<sup>5</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.

<sup>6</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.



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- 4.3.9. The notices issued in terms of sections 22<sup>7</sup> and 54<sup>8</sup> regarding fees to be paid in relation to requests for access; and the regulations made in terms of section 92.<sup>9</sup>
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The guide can be obtained by:
  - 4.5.1. Requesting same from the IR,
  - 4.5.2. Viewing same on the IR's website at [www.inforegulator.org.za](http://www.inforegulator.org.za).
- 4.6. A copy of the Guide is also available for public inspection during normal office hours.

## 5 Disclosure of Records

- 5.1. In terms of section 70 of PAIA, the Practice has a duty and must disclose records if such disclosure meets one or more of the following requirements:
  - 5.1.1. Failure to disclose will be a contravention of the law;
  - 5.1.2. An imminent and serious public safety or environmental risk would materialise or has risk of materialising, failing disclosure.
  - 5.1.3. The public interest of disclosing the record/s outweighs the harm that may be expected to be caused by the disclosure.
- 5.2. For medical records, access must generally be granted to the patient or their authorised representative, subject to provisions of Section 61 of PAIA regarding potential harm to the patient's physical or mental health or well-being.
- 5.3. The Practice must or may refuse the following requests, as determined by the relevant legislation (not a closed list):
  - 5.3.1. As per Section 7 of PAIA: Records for the purposes of criminal or civil proceedings.
  - 5.3.2. As per Section 61 of PAIA: Access to Health or Other Records:
  - 5.3.3. If a request is made for access to a record provided by a health practitioner about the physical or mental health or well-being of the requester or the person on whose behalf the request is made (referred to as the "relevant person"), and the head of the private body believes that disclosure might cause serious harm to the physical or mental health or well-being of the relevant person, the head

<sup>7</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>8</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>9</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding- (a) any matter which is required or permitted by this Act to be prescribed; (b) any matter relating to the fees contemplated in sections 22 and 54; (c) any notice required by this Act; (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.



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may consult a health practitioner nominated by the relevant person before granting access.

- 5.3.4. If the relevant person is under the age of 16 years, a person with parental responsibilities and rights in respect of the relevant person must nominate the health practitioner.
- 5.3.5. If the relevant person is incapable of managing their own affairs, a person appointed by a court to manage the affairs of the relevant person must nominate the health practitioner.
- 5.3.6. If the consulted health practitioner is of the opinion that disclosure of the record would likely cause serious harm to the physical or mental health or well-being of the relevant person, the head of the private body may only grant access to the record if the requester proves to the satisfaction of the head that adequate counseling or other arrangements have been made to limit, alleviate, or avoid such harm.
- 5.3.7. The person responsible for providing the counseling or other arrangements must be given access to the record before it is disclosed to the requester.
- 5.3.8. As per Section 63 of PAIA the Practice must refuse access to a record if the disclosure involves the unreasonable disclosure of personal information of a third party, including a deceased individual.
- 5.3.9. As per Section 64 of PAIA the Practice must refuse access to a record/s that will deter or affect the mandatory protection of commercial information of a third party.
- 5.3.10. As per Section 65 of PAIA the Practice must refuse access to a record/s that will deter or affect the mandatory protection of certain confidential information of a third party.
- 5.3.11. As per Section 66 of PAIA the Practice must refuse a request for access to a record/s if its disclosure could reasonably be expected to endanger the life or physical safety of an individual or may prejudice or impair the security of a building, structure or system, a means of transport or any other property or the methods, systems plans or procedures for the protection of and individual in accordance with a witness protection scheme, the safety of the public or the security of property as per the above Section in PAIA.
- 5.3.12. As per Section 67 of PAIA the Practice must refuse a request for access to a record/s that is/are legally privileged, and the person entitled to the legal privilege has not waived same.
- 5.3.13. As per Section 68 of PAIA any *commercial information* requested pertaining to our (or a third party's) trade secrets, financial, commercial, scientific or technical information, where the disclosure can cause harm to the Practice's commercial



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or financial interest, where the disclosure could be reasonably expected to put the Practice at a disadvantage in contractual or other negotiations or prejudice the Practice in commercial competition or if the information requested is a computer program (as defined in Section 1 of the Copyright Act (No.98 Of 1978) and is owned by the Practice, except where it is required to give access to a record, where access is granted in terms of PAIA.

## 6 Legislation in terms of which records may be requested.

- 6.1. In addition to PAIA, the following Legislation may be used to access personal information (which is not an exhaustive/ closed list):
- 6.1.1. Basic Conditions of Employment Act No.75 of 1997 (as amended),
  - 6.1.2. Births and Deaths Registration Act, No. 51 of 1992
  - 6.1.3. Broad-based Black Economic Empowerment Act No. 53 of 2003 (as amended),
  - 6.1.4. Children's Act, No 38 of 2005
  - 6.1.5. Companies Act No. 71 of 2008 (as amended),
  - 6.1.6. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 (as amended),
  - 6.1.7. Competition Act No. 89 of 1998,
  - 6.1.8. Consumer Protection Act No 68 of 2008,
  - 6.1.9. Copyright Act No. 98 of 1978 (as amended),
  - 6.1.10. Disaster Management Act No. 57 of 2002,
  - 6.1.11. Electronic Communications and Transactions Act No. 36 of 2005,
  - 6.1.12. Employment Equity Act No. 55 of 1998 (as amended),
  - 6.1.13. Employment Services Act No. 4 of 2014,
  - 6.1.14. General Pensions Act No. 29 of 1979,
  - 6.1.15. Hazardous Substances Act No. 15 of 1973,
  - 6.1.16. Health Professions Act, No 56 of 1974,
  - 6.1.17. Income Tax Act No.58 of 1962 as amended,
  - 6.1.18. Insolvency Act No. 24 of 1936,
  - 6.1.19. Insurance Act No. 18 of 2017,
  - 6.1.20. King IV Code and Principles, 2016,
  - 6.1.21. Labour Relations Act No. 66 of 1995 (as amended),
  - 6.1.22. Long-term Insurance Act No. 52 of 1998,
  - 6.1.23. Magistrates' Courts Act No. 32 of 1944,
  - 6.1.24. Matrimonial Property Act No. 88 of 1984,



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- 6.1.25. Medical Schemes Act No. 131 of 1998 (as amended),
- 6.1.26. Medicines and Related Substances Act, No 101 of 1965,
- 6.1.27. Mental Health Care Act, No 17 of 2002,
- 6.1.28. National Credit Act No. 34 of 2005 (as amended),
- 6.1.29. National Health Act, No. 61 of 2003
- 6.1.30. National Minimum Wage Act No. 9 of 2018,
- 6.1.31. National Road Traffic Act No. 93 of 1996 (as amended),
- 6.1.32. Nursing Act, No 33 of 2005
- 6.1.33. Occupational Health and Safety Act No. 85 of 1993, (as amended),
- 6.1.34. Pension Funds Act No. 24 of 1956 (as amended),
- 6.1.35. Preferential Procurement Policy Framework Act No 5 of 2000,
- 6.1.36. Prescribed Rate of Interest Act No. 55 of 1975 (as amended),
- 6.1.37. Prescription Act No. 68 of 1969,
- 6.1.38. Prevention and Combating of Corrupt Activities Act No.12 of 2004
- 6.1.39. Prevention of Organized Crime Act No.121 of 1998,
- 6.1.40. Prevention of and Treatment for Substance Abuse Act No. 70 of 2008,
- 6.1.41. Promotion of Access to Information Act No.2 of 2000,
- 6.1.42. Protection of Personal Information Act No. 4 of 2013,
- 6.1.43. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000,
- 6.1.44. Protection from Harassment Act No.17 of 2011,
- 6.1.45. Protected Disclosures Act No. 26 of 2000 (as amended),
- 6.1.46. Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004,
- 6.1.47. Public Holidays Act No. 36 of 1994 (as amended),
- 6.1.48. Road Accident Fund Act 56 of 1996,
- 6.1.49. Superior Courts Act 10 of 2013



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### 7 Categories of Records of Dr Wesley M. Aitchison Inc which are available without a person having to request access in terms of the prescribed forms.

Category of Records	Types of record	Available on our Website	Available on request
Human Resources	Statutory records		<b>X</b>
Practice Specific	Tax Certificate		<b>X</b>
	HPCSA Registration Certificate		<b>X</b>

### 8 Categories of Records of Dr Wesley M. Aitchison Inc which are available to the relevant party/ies in accordance with other legislation

Category/ subject on which body holds records	Description of records	Legislation applicable to request
Human Resources Occupational Health and Safety Compensation for Occupational Injuries and Diseases (COID)	Employee records (including leave records, training records, performance management)	Companies Act No. 71 of 2008 (as amended)
	Policies and Procedures	
	Tax information	
	Occupational; Health and Safety policies, procedures, and guidelines	
	Claim submitted in terms of COID	
Human Resources	Number of Injuries on Duty in a period	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Proof of Registration	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
		Income Tax Act No.58 of 1962
		Occupational Health and Safety Act No.85 of 1993



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		Compensation for Occupational Injuries and Diseases Act, No 130 of 1993.
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### 9 Description of the Subjects on which Dr Wesley M. Aitchison Inc holds Record and Categories of Record held on each Subject by Dr Wesley M. Aitchison

Category/ subject on which body holds records	Description of records	Legislation applicable to request
Patients	Medical histories, diagnoses, treatment plans, test results, prescriptions, billing records, insurance claims, consent forms, appointment records, notifiable condition reports	PAIA, POPIA, National Health Act, Medical Schemes Act, Health Professions Act, Children's Act, Mental Health Care Act, Medicines and Related Substances Act
Strategy, plans and proposals	Annual reports, strategic plans, and annual reviews	Companies Act No. 71 of 2008
Human Resources	Advertisements for jobs advertised	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Internal and External Curriculum Vita's and interview records	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Employee Records	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Onboarding of employees	Basic Conditions of Employment Act No.



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		75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Policies and Procedures	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Leave records	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Training records	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Records of further learning/ education	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Information on additional earnings or deductions	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Third Party deductions	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Bursary information	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act



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		No.66 of 1995 (as amended)
	Job related membership or affiliations	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Tax information	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Performance management	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Offboarding of Employees	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Processing of any Employee personal information – From advertising and selection to recruitment.	Protection of Personal Information Act No.4 of 2013
Company related documents Occupational Health and Safety	Supplier tax invoices	Value Added Tax Act No. 89 of 1991 (as amended), Income Tax Act No 58 of 1962 (as amended)



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	Occupational; Health and Safety policies, procedures, and guidelines	Occupational Health and Safety Act No. 85 of 1993
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## 10 Processing of Personal Information (POPIA Compliance)

- 10.1. The Practice, as a specialist physician practice, processes personal information (as defined in Section 1 of POPIA) for the following purposes and in accordance with the HPCSA Ethical Rules:
- 10.1.1. To provide medical diagnosis, treatment, specialist consultations and care to patients, including the collection and maintenance of medical histories, diagnoses, and treatment plans.
  - 10.1.2. To manage patient appointments, communications, and specialist medical records for effective healthcare delivery.
  - 10.1.3. To process billing and insurance claims related to healthcare services, including providing cost estimates for medical procedures or treatments.
  - 10.1.4. To comply with legal and regulatory requirements, such as reporting notifiable conditions to health authorities as mandated by the National Health Act.
  - 10.1.5. To conduct research or quality improvement initiatives, where applicable and with explicit consent from data subjects or in accordance with ethical standards.
  - 10.1.6. To inform patients about relevant healthcare services or information, with their explicit consent as required by POPIA.
  - 10.1.7. To recruit, hire, and manage employees, and/or independent contractors, including processing personal information for payroll, benefits, and performance evaluations.
  - 10.1.8. To comply with labour laws, independent contractor contracts, employment contracts, including obligations under the Basic Conditions of Employment Act and Labour Relations Act.
  - 10.1.9. To market products and services provided by the Practice
  - 10.1.10. To produce tax invoices,
  - 10.1.11. To archive and destroy personal information in accordance with legal requirements and data retention policies, ensuring secure disposal to prevent unauthorised access.



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- 10.2. All sharing of personal information complies with POPIA’s conditions for lawful processing (Sections 8–25), including purpose specification, security safeguards, and data subject participation.
- 10.3. Patient health information, classified as special personal information under POPIA Section 26, is shared only with explicit consent or as required by law (e.g., notifiable conditions), in accordance with HPCSA confidentiality guidelines.
- 10.4. Under PAIA Section 61, patient records may be shared with authorised recipients (e.g., nominated health practitioners) during access request evaluations to assess potential harm to the patient’s health.
- 10.5. The Practice ensures that third-party recipients, such as medical services providers (e.g., laboratories, radiologists), billing providers and IT operators, acting as operators under POPIA Section 20, comply with confidentiality and security obligations through formal agreements.

## 11 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Patients	Name, date of birth, contact details (address, phone, email), ID number Medical history, diagnoses, treatment plans, test results, prescriptions, allergies, current medications Billing information, insurance details, payment records Consent records (e.g., for treatment, research, marketing) Any other information necessary for providing healthcare services
Vendors/ Channel Partners	Name, address, registration numbers or identity numbers, employment status and bank details Any other information necessary for managing vendor relationships (e.g., medical



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	equipment suppliers, pharmaceutical companies)
Service Providers	For representatives: Name, position, contact details (phone, email) For the practice: Business name, registration number, VAT number, address, bank details Any other information necessary for managing service provider relationships (e.g., laboratory services, radiology, IT support)
Employees	Name, address, contact details (phone, email), ID number Qualifications, employment records, job title, salary, benefits, performance reviews Race, gender, and other details required for employment equity reporting Any other information necessary for employment management
Independent Contractors	Names, registration numbers, VAT numbers, addresses, medical malpractice insurance, HPCSA registration details and bank details

### 12 The recipients or categories of recipients to whom the personal information may be supplied:

Category of Personal Information	Recipients or categories of recipients to whom the personal information may be supplied
Patient Information (e.g., name, contact details, ID number, medical history, diagnoses, treatment plans, test results, billing information)	<p><b>Healthcare Providers:</b> Referring doctors, specialists, laboratories, radiologists, or other medical professionals involved in patient care, with patient consent or as necessary for treatment (POPIA Section 11(1)(b)).</p> <p><b>Medical Schemes/Insurers:</b> For processing claims, billing, or reimbursement, with patient consent or as required by contract (POPIA Section 11(1)(b)).</p> <p><b>Billing Providers:</b> Medical billing services for managing claims, invoices, and payment processing, with patient consent or as</p>



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	<p>necessary for contract performance (POPIA Section 11(1)(b)).</p> <p><b>Health Authorities:</b> For reporting notifiable conditions or complying with legal obligations under the National Health Act (POPIA Section 11(1)(c)).</p> <p><b>Third-Party Operators:</b> IT service providers or electronic health record systems, acting as operators under POPIA Section 20, with confidentiality agreements in place.</p>
<p>Employee Information (e.g., name, ID number, address, qualifications, salary, performance reviews)</p>	<p><b>Payroll/Benefits Providers:</b> For processing salaries, pensions, or medical aid contributions, as necessary for employment contracts (POPIA Section 11(1)(b)).</p> <p><b>South African Revenue Service (SARS):</b> For tax-related reporting, as required by the Income Tax Act (POPIA Section 11(1)(c)).</p> <p><b>Department of Employment and Labour:</b> For employment equity or other labor law compliance (POPIA Section 11(1)(c)).</p> <p><b>Verification Agencies:</b> For verifying qualifications with the South African Qualifications Authority (SAQA) or similar bodies, with employee consent (POPIA Section 11(1)(a)).</p>
<p>Service Provider/Vendor Information (e.g., business name, registration number, VAT number, bank details, representative names, contact details)</p>	<p><b>Financial Institutions:</b> For processing payments to suppliers (e.g., medical equipment or pharmaceutical vendors), as necessary for contract performance (POPIA Section 11(1)(b)).</p> <p><b>Auditors/Regulatory Bodies:</b> For financial or compliance audits, as required by law (POPIA Section 11(1)(c)).</p> <p><b>B-BBEE Verification Agencies:</b> For verifying supplier B-BBEE status, where applicable, with consent or as part of legitimate interests (POPIA Section 11(1)(f)).</p>
<p>Independent Contractor Information (e.g., name, ID number, address, qualifications, contract details, company registration, VAT number)</p>	<p><b>Financial Institutions:</b> For processing payments under contractor agreements (POPIA Section 11(1)(b)).</p>



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	<p><b>South African Revenue Service (SARS):</b> For tax compliance, as required by law (POPIA Section 11(1)(c)).</p> <p><b>Verification Agencies:</b> For verifying qualifications or credentials (e.g., SAQA for locum doctors), with consent (POPIA Section 11(1)(a)).</p>
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### 13 Planned transborder flows of personal information.

- 13.1. Dr Wesley M. Aitchison Inc may transfer personal information, particularly patient billing information and medical records, to overseas insurers for the purpose of processing insurance claims or reimbursements, especially for patients with international insurance policies. Such transfers are conducted in compliance with Section 72 of the Protection of Personal Information Act, No. 4 of 2013 (POPIA), ensuring that:
  - 13.1.1. The recipient (e.g., overseas insurer) is subject to a law, binding corporate rules, or a binding agreement that provides an adequate level of protection for personal information, equivalent to POPIA's standards.
  - 13.1.2. The transfer is necessary for the performance of a contract between the data subject and the practice (e.g., insurance claims processing) or with the data subject's explicit consent.
- 13.2. The practice may use secure cloud-based services for storing or transferring data, provided these services comply with POPIA's security requirements and are governed by formal data protection agreements.
- 13.3. Data subjects (e.g., patients) will be informed of any planned transborder flows of their personal information through consent forms, privacy notices, or direct communication, as required by POPIA Section 18. This includes details about the recipient (e.g., overseas insurer), the purpose of the transfer, and the safeguards in place to protect their information.
- 13.4. Transborder flows of personal information comply with POPIA Section 72, ensuring that overseas recipients (e.g., insurers) meet equivalent data protection standards or are bound by agreements ensuring adequate safeguards.
- 13.5. Under PAIA Section 61, patient records shared transborder (e.g., with insurers) are subject to access request evaluations, ensuring no harm to the patient's physical or mental health, with nominated health practitioners involved if necessary.
- 13.6. Third-party recipients, such as overseas insurers or cloud service providers, are bound by formal agreements under POPIA Section 20 to ensure confidentiality and security.
- 13.7. In the event of a data breach involving transborder data, the practice will notify the Information Regulator and affected data subjects as per POPIA Section 22, detailing the breach, its consequences, and remedial actions.



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## 14 General Information Security Measures

- 14.1. The Practice implements the following security measures to ensure the confidentiality, integrity, and availability of personal information processed, in compliance with POPIA Section 19 and HPCSA guidelines:
  - 14.1.1. All personal information, including patient health data and billing information, is encrypted during storage and transmission to prevent unauthorised access.
  - 14.1.2. Access to personal information is restricted to authorised personnel through individual passwords, role-based access, and secure authentication protocols.
  - 14.1.3. Electronic health records and billing systems are hosted on secure platforms with regular security updates and firewalls.
  - 14.1.4. Physical records are stored in locked cabinets or secure facilities to prevent unauthorised access.
  - 14.1.5. Trusted software is used to protect against cyber threats, with regular updates to address vulnerabilities.
  - 14.1.6. Employees and Independent Contractors are trained on POPIA, PAIA, and HPCSA confidentiality requirements, with policies in place to minimize human error and ensure compliance.
  - 14.1.7. The practice conducts periodic audits of data processing activities, including transborder transfers, to ensure ongoing compliance and identify potential risks.
  - 14.1.8. Third-party recipients, such as overseas insurers or cloud service providers, are bound by formal agreements under POPIA section 20 to ensure confidentiality and security.

## 15 Data Breach Procedure

- 15.1. In the event of a data breach the practice will notify the Information Regulator and affected data subjects as per POPIA Section 22, detailing the breach, its consequences, and remedial actions. The Practice has established the following procedure to address data breaches involving personal information, in compliance with POPIA section 22 and HPCSA guidelines:
  - 15.1.1. **Detection and Assessment:** Upon suspicion or detection of a data breach (e.g., unauthorised access to patient records, employee data,) the Practice will immediately assess the breach's scope, impact, and potential harm to data subjects.
  - 15.1.2. **Containment:** The Practice will take immediate steps to contain the breach, such as suspending affected systems, revoking unauthorised access, or securing compromised data.
  - 15.1.3. **Notification:** If the breach is likely to result in a risk to the rights and freedoms of data subjects, the Practice will notify:
    - 15.1.3.1. The Information Regulator as soon as reasonably possible after becoming aware of the breach, providing details of the breach, its likely consequences, and remedial actions taken or planned.



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- 15.1.3.2. Affected data subjects (e.g., patients, employees) without undue delay, using clear and accessible communication (e.g., email, letter), including details of the breach, potential risks, and steps to mitigate harm (e.g., changing passwords, monitoring accounts).
- 15.1.4. **Remedial Actions:** The Practice will implement measures to mitigate harm, such as restoring data integrity, enhancing security controls, and conducting a root cause analysis to prevent future breaches.
- 15.1.5. **Documentation:** All breaches, regardless of severity, will be documented, including the facts, effects, and remedial actions taken, to demonstrate compliance with POPIA.
- 15.1.6. **Review and Training:** Post-breach, the Practice will review its security measures and policies, updating them as needed, and provide additional staff training to prevent recurrence.

## 16 Data Subject Rights (POPIA Sections 5, 23 –25)

- 16.1. Data subjects may:
  - 16.1.1. Request access to their personal information (POPIA Section 23, PAIA Section 50) using PAIA Form 2 (<https://infoeregulator.org.za/paia-forms/>).
  - 16.1.2. Request correction or deletion of inaccurate or unlawful data (POPIA Section 24) using POPIA Form 2 (<https://infoeregulator.org.za/popia-forms/>).
  - 16.1.3. Object to processing (POPIA Section 11(3)) using POPIA Form 1 (<https://infoeregulator.org.za/popia-forms/>).
  - 16.1.4. Submit complaints to the IO or IR (PAIA Section 77A, POPIA Sections 99–100) using POPIA Form 5 (<https://infoeregulator.org.za/popia-forms/>).
  - 16.1.5. Apply to a court for relief (PAIA Section 78).
- 16.2. Requests must be submitted to the IO or DIO via email

## 17 Availability of the Manual

- 17.1. A copy of the Manual is available:
  - 17.1.1. At the office of Dr Wesley M. Aitchison Inc for public inspection, during normal business hours;
  - 17.1.2. On the website of Dr Wesley M. Aitchison Inc at [www.drwma.co.za](http://www.drwma.co.za)
  - 17.1.3. To any person upon request and upon the payment of a reasonable fee; and
  - 17.1.4. To the IR, upon request.
- 17.2. The fee for a copy of the Manual as contemplated in Annexure B of the regulations, shall be payable per each A4-size photocopy made.



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## 18 Updating of the Manual

18.1. The manual will be reviewed on a regular basis and will be updated where necessary.

## 19 Fees Payable

Fees payable by requestors of Personal Information	Fee
The request fee payable by every requester	R140.00
Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof
A printed copy of an A4-size page	R2.00 per page or part thereof
A copy in a computer-readable form saved on: <ul style="list-style-type: none"> <li>• A flash Drive (to be provided by requester) R40.00</li> <li>• Compact disc               <ul style="list-style-type: none"> <li>○ If provided by requestor R40.00</li> <li>○ If provided to requestor R60.00</li> </ul> </li> </ul>	
For a transcription of visual images on an A4-size page	R24.00
Copy of an audio record on <ul style="list-style-type: none"> <li>• Flash drive (to be provided by requester) R40.00</li> <li>• Compact Disc               <ul style="list-style-type: none"> <li>○ If provided by requester R40.00</li> <li>○ If provided to requester R60.00</li> </ul> </li> </ul>	
Searching and preparation for record for disclosure, which excludes the first hour. To not exceed cost of:	R145.00 per hour or part of an hour spent. The total may not exceed R435.00 per request.
Postage, email, or any other electronic transfer	Actual expense incurred, if any.

Issued by

Chanelle Benadie Incorporated  
Attorney for Dr Wesley M. Aitchison Inc.