

**PAIA and POPI Manual Version 1.0.20230526**

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This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA; “the Act”) and to address requirements of the Protection of Personal Information Act, 2013 (“POPI”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and/or held by a private person or entity where such information is required to protect rights.

**1. Overview**

This manual applies to the private Educational psychology practice of SAM HART EDUCATIONAL PSYCHOLOGIST.

Office address: 73 Villiers Drive, Hilltops Office Park, Office 10 Stokes House (Block F), Clarendon, PIETERMARITZBURG, 3201

Samantha Hart runs a practice in the field of educational psychology. She undertakes educational assessments and therapeutic psychology work. Samantha Hart works in the health sector and is a healthcare professional registered under the Health Professions Act of 1974. She is registered with and subject to the rules and regulation of the Health Professions Council of South Africa (HPCSA).

This manual serves to inform members of the public of the categories of information that Samantha Hart holds in her capacity as an Educational Psychologist and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act. This manual will be updated from time to time, as and when required.

**2. Information Officer**

The Information Officer of this psychology practice is Samantha Hart, owner and practitioner.

Contact number: 033 346 1650

Email: samhart@edpsyc.co.za

**3. Availability of the Manual**

A copy of this manual is available on request from the Information Officer (see details above) or on the practice website [www.edpsyc.co.za](http://www.edpsyc.co.za).

**4. How to Request Access to Records**

Requests for access to records held by Samantha Hart, Educational Psychologist must be made on the request form that can be accessed from Samantha Hart, the practice website, or from:

[https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)

When a record is requested, the following will apply:

- Fees may be payable as prescribed by law.
- The Request Form must be completed by the Requester. On the Request Form, all details must be completed, including the right the Requester wants to protect by requesting the information and why access to the information is required.
- If the requester is acting on behalf of someone else, the signature of the other person, as the one who has authorised the request, must be provided. In order to verify this, Samantha Hart may require further proof, such as an identity document, or may call the person(s) to whom the information belongs to verify that permission has been given for the other person to access the information on his/her/their behalf.
- The Requester must state in which format (inspection of copy, paper copy, electronic copy, transcript, and so on) that he/she/they wants to access the information.
- If the record is part of another record, the Requester will only be able to access the part(s) that pertains to the information he/she/they wants or is entitled to, and not to the rest of the record.

All requests will be evaluated against the provisions of the Act. The Information Officer can refuse access on grounds stipulated in the Act. For example, one cannot access another person's confidential information, or trade or commercial secrets of a business. An answer on a request for information must be provided within 30 days of the request and, if not granted and the Requester is not satisfied, he/she/they can approach the courts within 30 days.

## **5. Voluntary Disclosure**

The following information is made known automatically and persons do not have to fill out a form to request such information:

- Documents and information on website
- Fees
- General practice terms and policies as well as policies pertaining to attendance and payment
- Informed consent forms

## **6. Categories of Records Held by the Practitioner: Section 51(I)(E)**

Samantha Hart, Educational Psychologist holds records in the categories listed below. The fact that a record type is listed here does not necessarily mean she will disclose such records, and all access is subject to the evaluation process outlined herein, which will be exercised in accordance with the requirements of the Act.

#### Financial records

- Annual financial statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Asset register
- Rental agreements
- Invoices
- Tax records

#### Client documents and records

- Contact details and residential address
- Client lists
- Health records
- Medical reports
- Funding records
- Agreements
- Consents
- Needs assessments
- Financial and accounts information
- Medical aid numbers
- Research information
- Evaluation records
- Profiling

It must be noted that, in the health sector, personal and client information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.

### **7. Purpose of the Processing of the Abovementioned Records**

The purpose of processing the information contained in the records listed above is:

- In relation to the business/internal records: To comply with business and tax legislation.
- In relation to clients: For retention of records as required by law and to provide healthcare services, to access health products (prescriptions and product orders), and for the collection of fees for the services so provided. Where the practice participates in registries or other databases, the specific consents signed by clients to have their information included will disclose the purpose of such databases.
- In relation to the suppliers and service providers: For record retention as legislated and for the execution of the supplier and service level agreements.

### **8. Records Available in Terms of Other Legislation**

Information is available in terms of the following legislation, subject to conditions set by such laws. As legislation changes from time to time, and new laws may stipulate new matters and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

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

- The National Health Act 61 of 2003
- Medical Schemes Act 121 of 1998
- Medicines and Related Substances Act 101 of 1965
- Children’s Act 38 of 2005
- Mental Healthcare Act 17 of 2002
- Choice on Termination of Pregnancy Act 92 of 1996
- Sterilisation Act 44 of 1998
- Health Professions Act 56 of 1974

### **9. Categories of Recipients of Personal Information**

Samantha Hart may, as authorised by the National Health Act, share relevant personal and health information with other service providers who are involved in your care and where such sharing is in your best interest, and to medical schemes, where applicable. She also has to, by law, report adverse events of products (medicines/devices) to the SA Health Products Regulatory Authority and the company whose product it is.

### **10.Planned Trans-Border Flow of Personal Information**

Samantha Hart does not have any planned trans-border flow of personal information. However, she may transfer data trans-border in order to store data with third party cloud storage providers.

## **11.The Suitability of the Information Security Measures**

The practice stores information physically as follows:

- Documents that are kept in either physical or both physical and electronic formats are:
  - The original copies of any consent forms that were submitted as hard copies by the client or parent(s)/legal guardian(s) of clients,
  - The intake interview form,
  - Any hardcopy communication, including statements, received from clients' medical aid service providers via the national postal service, .
- Handwritten notes made during sessions
- All physical documents that are not to be included in the client personal file are destroyed according to industry guidelines or standards (e.g. shredding).
- Physical records are kept in a filing cabinet in Samantha Hart's office that is locked when not in use. The key to the filing cabinet is kept on/near Samantha Hart at all times while she is on practice premises or alternately with an HPCSA registered member of SAMANTHA HART EDUCATIONAL PSYCHOLOGIST staff. A spare key to the filing cabinet is kept in a secure place under Samantha Hart's supervision.
- Access to the office is restricted to Samantha Hart and staff of SAM HART EDUCATIONAL PSYCHOLOGIST.
- The practice offices consist of three home office rooms in a residence shared by Samantha Hart and Roderick Hart, both being Healthcare workers registered with the HPCSA. When not in use the office rooms are kept locked. The outside of the premises is protected by recorded video surveillance. The premises is also protected by monitored alarm and armed response.

The practice stores information electronically as follows:

- Electronic records containing identifying and/or personal client information are password-protected and stored on a password-protected laptop. The software on the laptop is regularly updated to protect against hacking, unauthorised access, tampering, and the like.
- Electronic records are backed up to a third-party cloud storage provider on a password protected account
- The practice's email account is password protected and is accessed through either a laptop or mobile phone, both of which are password-protected.
- Samantha Hart employs up-to-date technology to ensure the confidentiality, integrity, and availability of the personal information under her care. Measures include:

- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure

Other security measures employed to secure client information and records:

- Where possible, Samantha Hart makes use of a client number and/or initial system to label electronic and hardcopy records of client information, as well as to schedule appointments in her diary and list contacts on her business mobile phone.
- Samantha Hart takes reasonable measures to ensure the security and confidentiality of physical and electronic records, as well as the mobile phone and laptop used for practice purposes, including:
  - Being aware of who is around her when she accesses or uses client documents and answers communications from clients,
  - Shielding the electronic copy and/or hard copy of personal records information from the sight of others, or otherwise refrains from accessing records until she can effectively shield client information from sight,
  - Only accessing electronic records via secure and password-protected WIFI connections, and
  - Locking the device when the laptop and mobile phone are not in use.

Any breaches to the integrity or security of clients' confidential information (e.g., damage or theft) will be communicated with the relevant client(s) as soon as possible.

## **12.Retention of Client Records**

In accordance with Booklet 9 of the HPCSA, Guidelines on the Keeping of Client Records, client records are kept for a minimum period of six (6) years as from the date they become dormant, except where:

- The client is a minor, in which case records will be kept until the minor's twenty first birthday, or
- The client is mentally incompetent, in which case records are kept for the duration of the client's lifetime." (Section 9.3)

Any other exceptions to the minimum period of 6 years laid out in Booklet 9, Section 9: Duration for the Retention of Health Records, including any future amendments made by the HPCSA to this document, will be adhered to.

## **13.Destruction of Private and Confidential Records**

In relation to destroying client records, Samantha Hart makes use of industry guidelines and standards and/or will act according to directions and guidelines provided by the HPCSA.

Signed by:

Samantha Hart, Educational Psychologist  
in PIETERMARITZBURG on this day 20 AUGUST 2021.

**AMENDMENTS:**

29/09/2021 - **Version 1.0.20210814:** Original

26/05/2023 – **Version 1.0.20230526:** Page 1: paragraph 1 - Office address changed.