



## PAIA MANUAL OF THE SOUTH AFRICAN MEDICO-LEGAL ASSOCIATION

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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) (“The Act”). 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 to information held by another person or entity, whether such information is required by someone to protect his/her rights.

### **OVERVIEW**

The South African Medico-Legal Association (“SAMLA”) is a not-for-profit company. The organisation is an Association of persons interested in medico-legal work, and the primary goal of SAMLA is to provide educational activities related to medico-legal practice. Members of the Association include professionals registered with South African professional regulatory bodies and adjunct members who are not party to formal regulatory bodies.

This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an application being made in terms of the Act.



# The South African Medico-Legal Association

Availability of this manual

a copy of this manual is available –

- on request from our Information Officer at [info@samla.org.za](mailto:info@samla.org.za)
- on our website [www.medicolegal.org.za](http://www.medicolegal.org.za)
- from the South African Human Rights Commission at the addresses and/or telephone numbers as published by the Commission.

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

## **DETAILS**

Full name: The South African Medico-Legal Association

Registration No: (Reg 2005/01822/08)

Postal address: 370 Kommetjie Crescent, Garsfontein Ext 7, Pretoria, 0081

Telephone: +27 82 839 5466

Website: [www.medicolegal.org.za](http://www.medicolegal.org.za)

Email: [info@samla.org.za](mailto:info@samla.org.za)

## **OUR INFORMATION OFFICER**

Our information officer is:

Name and surname Dr Karen Levin

Designation: Communications Director

Telephone number: +27 82 839 5466

E mail address: [info@samla.org.za](mailto:info@samla.org.za)



## **HOW THE ACT WORKS AND INFORMATION PUBLISHED BY THE SAHRC**

The HRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act. More information on how the Act works and all other information can be obtained from the SA Human Rights Commission at:

Private Bag X2700

Houghton

2041

Tel 011 877 3600

[www.sahrc.org.za](http://www.sahrc.org.za)

There are also provincial SAHRC offices in all nine provinces.

## **VOLUNTARY DISCLOSURE**

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

SAMLA Memorandum of Incorporation.

SAMLA policies.

Notices of current SAMLA educational activities.

Information provided on the website regarding medico legal practice such as published articles and court judgements.

Application forms for SAMLA membership.

Application forms to appear on SAMLA professional registries.



# The South African Medico-Legal Association

The names and contact details and other information (e.g. curriculum vitae) of SAMLMA Members who have agreed for this information in part or whole to be visible on the SAMLMA website.

The names and contact details of SAMLMA Members who have agreed to be visible on the SAMLMA website under the professional registries (SAMLMA Accredited Medico-Legal Practitioners and SAMLMA Accredited Medico-Legal Mediators).

Information about SAMLMA projects.

Information about SAMLMA Special Interest groups.

Information about the Directors of SAMLMA.

Minutes of SAMLMA AGM meetings.

## **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 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):  
The Companies Act 71 of 2008; 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; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005; Long-term Insurance Act 52 of 1998; etc.
- Health legislation** (including all regulations issued in terms of such legislation): The National Health Act 61 of 2003; Health Professions Act 56 of 1974; etc.



## **RECORDS HELD BY SAMLA**

1. **Internal records** relating to our business, which includes our business's founding and other documents, minutes and policies; annual and other reports; financial records; operational records, policies and procedures; contracts; licences, intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; etc.
2. **Member records** including: title, name, surname, identity number, gender, contact details, qualifications, profession, social media profile, fields of interest, language proficiencies, CV, registration numbers with professional regulatory councils 's where applicable.
3. **Member records for registration as a medico legal practitioner** includes ethnicity, nationality, citizen resident status, socio-economic status and disability status as required by the South African Qualifications Authority.
4. **Personnel records**, which includes records relating to Directors, Executive Directors, and non-executive Directors.
5. **Supplier and service provider records**, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service- and other contacts.
6. **Technical records**, which includes manuals, electronic and cached information, health professional's council / statutory body records, approvals, conditions, and requirements, etc.
7. **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 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, legal, and healthcare environment.



## **HOW TO REQUEST ACCESS TO RECORDS HELD BY SAMLA**

1. Requests for access to records held by SAMLA must be made on the request forms that are available from our website or from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za).
2. When a record is requested, the following will apply:
3. Fees may be payable. These fees are prescribed by law, and can change from time to time. The fee list is attached to this document in an annexure.
4. The request form must be completed. It can be obtained from the information officer, on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or on the website of the Department of Justice ([www.justice.gov.za](http://www.justice.gov.za)) under “PAIA” and “forms”.
5. On the request form all details must be completed, including the right the requester wants to protect by requesting the information.
6. If the requester is acting on behalf of someone else, the signature of the other person is the one who is authorised the request to be made.
7. The requester must state in which form (inspection of copy, paper copy, electronic copy, copper transcript, et cetera) he or she wants to access the information.
8. If the record is part of another record, the requester will only be provided access to the part or parts that pertain to the information he or she wants or is entitled to, and not the rest of the record.
9. All requests will be evaluated against the provisions of the Act. The Act allows the Information Officer to refuse access on grounds stipulated in the Act. One can, for example, not access another person’s confidential information, or trade- or commercial secrets of the business.
10. An answer on a request for information must be made within 30 days of the request, and if not granted and the requester is not satisfied, he or she can approach the courts within 30 days. If the head of the company or the Information Officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of SAMLA or the Information Officer has refused the request.



- 11.** The head of SAMLA or the Information Officer may decide to extend the period of thirty days("original period") for another period of not more than thirty days if –

  - (i) the request is for a large number of records;
  - (ii) the search for the records is to be conducted at premises not situated in the same town or city as the office of the SAMLA;
  - (iii) consultation among divisions or departments, as the case may be, of the company is required;
  - (iv) the requester consents to such an extension in writing; and
  - (v) the parties agree in any other manner to such an extension.
- 12.** Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.
- 13.** SAMLA will advise the requester in the manner stipulated by the requester in the prescribed form of –

  - (i) The access fee to be paid for the information (as set out below)
  - (ii) The format in which the access will be given.
  - (iii) The fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is granted.
- 14.** After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 15.** If the request for access is refused, the head of SAMLA or the Information Officer shall advise the requester in writing of the refusal. The notice of refusal must state –

  - (i) adequate reasons for the refusal;
  - (ii) that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 16.** Upon refusal by the head of SAMLA or the Information Officer, the deposit, if any, paid by the requester will be refunded.



## **INFORMATION OR RECORDS NOT FOUND**

If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of SAMLA or the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

1. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of SAMLA or the Information Officer with every person who conducted the search.
2. The notice shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
3. If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of SAMLA or the Information Officer.
4. The attention of the requester is drawn to the provisions of Chapter 4 of Part of the Act in terms of which SAMLA may refuse, on certain specified grounds, to provide information to a requester.

## **INFORMATION REQUESTED ABOUT A THIRD PARTY**

Section 71 of the Act makes provision for a request for information or records about a third party. In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.

**Date:** 17 July 2021

**Name:** Prof Ethelwynn L Stellenberg

**Signature:**

**Capacity:**

**National Chairperson**





**ANNEXURE: FEES IN RESPECT OF RECORDS REQUESTED FROM 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 of a record as referred to in section 52(3) are as follows:

(a) For every photocopy of an A4-size page or part thereof R1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0,75

(c) For a copy in a computer-readable form on compact disc R70,00

(d) For a transcription of visual images, for an A4-size page or part thereof R40,00

(e) For a copy of visual images R60,00

(f) For a transcription of an audio record, for an A4-size page or part thereof R20,00

(g) For a copy of an audio record, for an A4 size page or part thereof R 30,00

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

4. If the head of SAMLA or if the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30.00 for each hour or part thereof, exceeding the six hours.