

Registration Number: 4590260396

Beethoven Recovery Centre (Pty) Ltd
(hereinafter referred to as “BRC” or “the Company”)

MANUAL

In terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the “ACT”)

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1. Nature of Business

Beethoven Recovery Centre (Pty) Ltd is a licensed, private Psychiatric Hospital as well as a residential Rehabilitation Centre for people with addiction.

2. Company Details (Section 51 (1) (a))

Information Officer:	Ms Christelle Smith
Email Address:	christelles@beethovenrecovery.co.za
Physical Address:	28 Beethoven Street (Route 511), Hartbeespoort
Postal Address:	Postnet Suite 534, Private Bag x0001, Ifafi, 0260
Telephone Number:	(+27) 12 253 9922

3. THE ACT (Section 51(1) (b))

3.1. Access to Records Held by The Company

The promotion of Access to Information Act, 2000 (the “Act”) gives third parties the right to approach private bodies to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

3.2. Guide of The South African Human Rights Commission

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: (+27) 11 484-8300

Fax: (+27) 11 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

4. Applicable Legislation (Section 51 (1) (c))

List of Applicable Legislation Records of the Company's and other legal entities in which the Company has a direct controlling interest may be kept by or on behalf of the Company in accordance with the following legislation:

- Basic Conditions of Employment Act 57 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- National Health Act
- Any other legislation relevant to the business concerned

5. Schedule of Records (Section 51 (1) (d))

The following are records pertaining to the Company's own affairs and those of its divisions. The personnel records stated refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors, executive directors, non-executive directors, patients, all permanent, temporary and part-time staff as well as contract workers.

Categories of Data Subjects	Personal Information Processed	Availability
Directors/ owners and business partners	Personal Information of Board members, directors and/ or owners	Freely available at management offices
	Minutes of Board of Directors meetings	Request in terms of PAIA
	Records relating to the appointment of directors	Request in terms of PAIA
	Records of loans and loan repayments	Request in terms of PAIA
	Records of division of dividends	Request in terms of PAIA
Management	Management meeting minutes	Request in terms of PAIA
	Staff meeting minutes	Freely available at management offices
	Official correspondence with service providers	Request in terms of PAIA
	Correspondence with government departments	Request in terms of PAIA
	Official correspondence with Company Auditors, Company Attorneys and Financial Institutions	Request in terms of PAIA
	Service contacts with service providers	Request in terms of PAIA
	Health and Safety register	Freely available at management offices
	Maintenance schedules and checklists	Freely available at management offices
	Incident reports	Request in terms of PAIA
	SHEQ meeting notes and reports	Request in terms of PAIA
	Utility records	Request in terms of PAIA
Job Applicants	Curriculum Vitae	Request in terms of PAIA
	Criminal checks	Request in terms of PAIA
	Background checks	Request in terms of PAIA
	References from previous employers	Request in terms of PAIA
Employees	Employee personal information	Request in terms of PAIA
	Employee medical information	Request in terms of PAIA
	Employee disability information	Request in terms of PAIA
	Employee contracts	Request in terms of PAIA
	Employee performance records	Request in terms of PAIA
	Payroll records	Request in terms of PAIA
	PAYE records	Request in terms of PAIA
	Physical access records	Request in terms of PAIA
	Surveillance records	Request in terms of PAIA

	Health and Safety records	Request in terms of PAIA
	Training records	Request in terms of PAIA
	Employment history	Request in terms of PAIA
	Time and attendance records	Request in terms of PAIA
	Disciplinary records	Request in terms of PAIA
	Leave records	Request in terms of PAIA
Suppliers	Supplier information	Freely available at management offices
Patients and potential patients	Patient personal information	Request in terms of PAIA
	Relative of patient personal information	Request in terms of PAIA
	Medical aid details of patient or main member of medical aid fund	Request in terms of PAIA
	Medical condition/ history of patient	Request in terms of PAIA
Visitors	Physical access records	Request in terms of PAIA
	Surveillance records	Request in terms of PAIA
	Visitor personal information	Request in terms of PAIA
	Vehicle registration details	Request in terms of PAIA
Financial Records	Annual Financial Statements	Freely available at management offices
	Annual summary budget performance statements	Request in terms of PAIA
	Annual company budget	Request in terms of PAIA
	Company insurance policy	Request in terms of PAIA
	Tax Records (company and employees)	Request in terms of PAIA
	Accounting Records	Request in terms of PAIA
	Banking Records	Request in terms of PAIA
	Bank Statements	Request in terms of PAIA
	Asset Register	Request in terms of PAIA
	Rental Agreements	Request in terms of PAIA
	Invoices	Request in terms of PAIA

* The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.

6. Form of Request (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

- a. See prescribed form in annexure A. Alternatively, request the prescribed form from the Information Officer, Christelle Smith, and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the Email, postal or physical address as stated in paragraph 2 above

- b. Provide sufficient detail to enable the Company to identify:
 - i. The record(s) requested;
 - ii. The identity of the requestor (and, if an agent is lodging the request, proof of capacity);
 - iii. The South African postal address, email address or fax number of the requestor;
 - iv. The form of access required;
 - v. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - vi. The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. Prescribed fees

The following applies to requests (other than personal requests):

- a. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- b. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- c. A requestor may lodge an application with a court against the tender/ payment of the request fee and/ or deposit.
- d. Records may be withheld until the fees have been paid.

8. Decision to Grant Access to Records

- a. Beethoven Recovery Centre shall decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requestor with reasons (if required) to that effect.
- b. The period referred to in paragraph 8.1 above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records.
- c. Beethoven Recovery Centre will notify the Requester in writing should an extension of time as contemplated in paragraph 8.2 above be required.

9. Remedies Available to The Requester Upon Refusal of a Request for Access in Terms of PAIA

Internal remedies

BRC does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

External remedies

In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

10. Amendments to This Manual

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year.

FORM 2
REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

 (Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made (if applicable):				

Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS	
(Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS	
(Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer