



CORPORATE GOVERNANCE POLICY NO. 6
SECTION: ACCESS TO INFORMATION

Document No: SS – POLICY – CORP GOV – ACCESS TO INFORMATION 006	Version: 4	Effective date: 2023.05	Review date: 2026.05
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Document Control Information	
Division	Support Services
Document Type	Policy
Title	National Renal Care Corporate Governance – Access to Information 006
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Consultative Group	Corporate Governance
Drafted by	Governance Manager
Applies to	The Public
Approved by	EXCO
Approval date	2023.05
Effective date	2023.05

Derivative Documents			
Doc No	Title	Version	Comments
Form 1	Request for a copy of the Guide		
Form 2	Request for Access to Record		

Version tracking			
Version	Type of Review	Date	Description of Review
1	Review every 2 (two) years	2018.06	Review in-line with ISO accreditation standards
2	Review every 2 (two) years	2020.12	Review in-line with ISO accreditation standards and inclusion of provisions of the POPI Act.
3	Update and review	2023.03	Update and review in-line with ISO formatting
4	Update	2023.05	Physical and e-mail address update

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1. MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

- i. The Promotion of Access to Information Act No. 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights as contained in the Constitution of the Republic of South Africa 108 of 1996 to access information held by the State or Private Institution and that is required for purpose of exercising or protecting rights.
- ii. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- iii. Where a request is made in terms of the Act, the Private Body will be obliged to release the information, except where the Act expressly provides that the information may not be released.

2. NATIONAL RENAL CARE

- i. National Renal Care Proprietary Limited carries on the business as a renal service provider, providing management of renal disease throughout the Republic of South Africa.
- ii. The purpose of this manual is to facilitate requests for access to records of the NRC Group of Entities as listed in the Annexure to this manual.
- iii. The terms and conditions of this manual shall apply mutatis mutandis to the Subsidiaries of the Company.
- iv. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:
 - a. Limitations aimed at the reasonable protection of privacy;
 - b. Balancing the rights with any other rights as contained in the Bill of Rights in the Constitution:
 - c. Commercial confidentiality; and
 - d. Effective and efficient good governance.
- v. This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any request to the Company in terms of the Act.

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- vi. Nothing stated in this manual shall limit, or constitute a waiver of, any of the rights of the requester or of the Company in terms of the Act.
- vii. The Company makes no representation and gives no undertaking that the information in this manual or any information provided by the Company to a requester thereof is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk and the Company shall not be liable for any loss, expense, liability or claims howsoever arising, resulting from any use of this manual or of any information provided by the Company or from any error therein.
- viii. All users irrevocably agree to submit exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this manual or of any information provided by the Company.
- ix. In addition the Information Regulator as appointed in the Protection of Personal Information Act 4 of 2013, will be responsible to regulate compliance with the Act and its Regulations.
- x. Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information. The manual will be updated from time to time. A copy of the manual is available on our website – www.nrc.co.za

3. CONTACT DETAILS – REFER SECTION 51 (1) (A) OF THE ACT

Full Name	:	National Renal Care (Pty) Ltd
Registration Number	:	1995/006721/07
Registered Address	:	Illovo Corner, Building B and C, 2 nd Floor 24 Fricker Road, Illovo Boulevard, 2146
Postal Address	:	Private Bag X8 Brixton, 2092
Telephone Number	:	+27 11 726-5206
Head/CEO	:	Dr Chevon Clark
Designated Information Officer	:	Dr Chevon Clark
Email address Information Officer	:	privacyrequests@nrc.co.za
Website	:	www.nrc.co.za

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The Act prescribes the appointment of an Information Officer/s responsible to assess requests for access to information. The Designated Information Officer appointed in terms of this Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer/s is/are responsible for encouraging compliance with the principles and conditions for the lawful processing of personal information, dealing with requests made to the company by a data subject and working with the relevant Regulator or Authority on any requests. All requests for information should be addressed to the Designated Information Officer per the email addresses above.

4. GUIDE ON HOW TO READ THE ACT – REFER SECTION 51 (1) (B) OF THE ACT

A guide on how to use the Act has been compiled by the Human Rights Commission in terms of Section 10 of the Act. Any queries should be directed to:

Post : The South African Human Rights Commission
Private Bag X 2700
Houghton
2041

Telephone Number : +27 11 877 3600

Fax Number : +27 11 403 0625

Website : www.sahrc.org.za

Email : sahrcinfo@sahrc.org.za

5. INFORMATION AUTOMATICALLY AVAILABLE – REFER SECTION 51 (1) (C) OF THE ACT

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act. These categories of information are also available from our information officer, whose contact details appear in section 3 of this manual.

- i. Media Releases including SENS announcements

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6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION - REFER SECTION 51 (1) (D) OF THE ACT

Records are kept in accordance with the following legislation, as amended from time to time (this list is not exhaustive):

- i. Basic Conditions of Employment Act 75 of 1997
- ii. Companies Act 71 of 2008
- iii. Compensation for Occupational Injuries and Diseases Act 130 of 1993
- iv. Competition Act 71 of 2008
- v. Employment Equity Act 55 of 1998
- vi. Income Tax Act 58 of 1962
- vii. Labour Relations Act 66 of 1995
- viii. Occupational Health and Safety Act 85 of 1993
- ix. Promotion of Access to Information Act 2 of 2000
- x. Protection of Personal Information Act 4 of 2013
- xi. Skills Development Levies Act 9 of 1999
- xii. Trade Marks Act 194 of 1993
- xiii. Unemployment Insurance Act 30 of 1966
- xiv. Value Added Tax Act 89 of 1991
- xv. National Health Act 61 of 2003
- xvi. Children’s Act 38 of 2005
- xvii. Older Person’s Act 13 of 2006

7. INFORMATION NOT AUTOMATICALLY AVAILABLE - REFER SECTION 51 (1) (E) OF THE ACT

The following records are not automatically available without a request therefore in terms of the Act:

- i. Company Secretarial
 - a. Company Memorandum of Incorporation / Registers / Resolutions or Extracts of meetings / Statutory returns
- ii. Movable and Immovable Property
 - a. Title Deeds
 - b. Lease Agreements

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- c. Hire Agreements / Rental Agreements
- d. Hire-purchase agreements
- e. Credit Sale Agreements / Instalment Sale Agreements
- iii. Intellectual Property
 - a. Trade marks
 - b. Patents
 - c. Copyright
 - d. Designs
 - e. Licensing agreements
- iv. Insurance
 - a. Insurance Policies / Claims Files
- v. Third Parties
 - a. Records held by the Company relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about the Company's contractors and suppliers in respect of contractors, suppliers, joint venture partners and service providers.
 - b. Patient records will not be disclosed to any other party without appropriate written consent being in place from Patient.
- vi. Taxation
 - a. Income tax files
- vii. Human Resources
 - a. Policies and procedures
 - b. Employee information
 - c. Personnel files
 - d. Conditions of Employment
 - e. Internal Evaluation Records (where applicable)
 - f. Correspondence
 - g. Training Schedule and Related Material
 - h. Agreements
 - i. Forms and applications
 - j. Standard letters and notices
- viii. Finance
 - a. Financial statements

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- b. Reports and returns
- c. Banking details and bank account records
- d. Debtors/creditors statements and invoices
- ix. Operations
 - a. Policies and procedures
 - b. Reports and supporting documentation
- x. Information technology
 - a. System documentation and manuals
- xi. Administration
 - a. Internet (www.nrc.co.za)
 - b. Correspondence with internal and external parties

8. PROCEDURE FOR REQUESTING A RECORD NOT AUTOMATICALLY AVAILABLE

- i. The requester must use the prescribed form annexed hereto to make the request for access to a record. This must be made to the information officer of National Renal Care Proprietary Limited. This request must be made to the address, fax number or electronic mail address of National Renal Care Proprietary Limited.
- ii. The requester must provide sufficient detail on the request form to enable the Designated Information Officer of National Renal Care Proprietary Limited to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the Republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- iii. The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- iv. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of the information officer of National Renal Care Proprietary Limited.
- v. Requests for access to records held by National Renal Care Proprietary Limited must be made on the Form C request forms (on payment of the prescribed fees) that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doi.gov.za) (under “regulations”).

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9. REFUSAL OF ACCESS TO RECORDS

National Renal Care may refuse access to a request for information in the following circumstances:

- i. Mandatory protection of the privacy of a third-party who is a natural person or a deceased person or a juristic person, as included in the Protection of Personal Information Act 4 of 2013;
- ii. Mandatory protection of the personal information to comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- iii. Protection of trade secrets or financial, commercial, scientific, or technical information that could likely cause harm to the financial and/or commercial interest of the organisation;
- iv. Any programmes developed solely for National Renal Care which is protected by copyright / intellectual property;
- v. Requests for information that are frivolous which involve an unreasonable diversion of resources shall be refused;
- vi. If a record requested cannot be found, or does not exist, the Designated Information Officer shall by means of an affidavit notify the Requester.
- vii. All decisions made by the Designated Information Officer are final.
- viii. The Requester that is dissatisfied with the Designated Information Officer’s decision may within 30 (thirty) days of notification of decision apply to the Court for relief.

10. FEES

- i. The Act provides for two types of fees, namely a request fee which is in the form of an administration fee and an access fee which is paid when request is granted and is inclusive of costs involved in preparing the request.
- ii. The Designated Information Officer shall withhold a record until the Requester has paid the fees as indicated below.

Access Fees	Charge
A4 Size photocopy of a page or part thereof	R 1,10
A4 Size printed copy of page or part thereof	R 0,75
A copy in computer readable format i.e. compact disc	R 70,00

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A copy of visual images	R 60,00
A transcription of an audio record for an A4 size page	R 20,00
Search for a record that must be disclosed – per hour fee or part of an hour fee	R 30,00
Where a record has to be posted	Actual postal costs
Reproduction of Information Fees	
	Charge
A4 Size photocopy of a page or part thereof	R 1,10
A4 Size printed copy of page or part thereof	R 0,75
A copy in computer readable format i.e. compact disc	R 70,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4 size page	R 20,00
A copy of an audio record	R 30,00

All fees are subject to change as allowed for in the Act. Requesters shall be informed of any changes in the fees prior to making a payment.

11. AVAILABILITY OF THIS MANUAL [SECTION 51 (3) OF THE ACT]

A copy of this manual is available at the Company's registered address and on the Company's website (www.nrc.co.za). This manual will be updated as required and deemed necessary by National Renal Care.

12. REFERENCES

- i. The Constitution of the Republic of South Africa Act 108 of 1996.
- ii. Promotion of Access to Information Act 2 of 2000
- iii. Protection of Personal Information Act 4 of 2013

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ANNEXURE 1 – SCHEDULE OF COMPANIES TO WHICH THIS MANUAL APPLIES

COMPANY NAME	ACTIVE/DORMANT/IN DEREGISTRATION
Busamed Renal Care (Pty) Ltd	Active
Lenasia Renal Centre (Pty) Ltd	Active
Melomed Renal Care (Pty) Ltd	Active
Renal Care Holdings (Pty) Ltd	Active

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