

MANUAL PREPARED IN TERMS OF
SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT
(PAIA)

Act No. 2 of 2000 (as amended)
(the "ACT")

FOR

GINA DIONNE SIM
Trading as GINA SIM CLINICAL PSYCHOLOGIST
(Sole Proprietor)

HPCSA REGISTRATION NUMBER: PS 0152315

Compilation date: 23rd January 2023

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1. Introduction and type of business

Name of Business: Gina Dionne Sim trading as Gina Sim Clinical Psychologist
(Sole Proprietor)
Registration Number: HPCSA - PS 0152315
Type of business: Clinical Psychologist

2. Contact Details as per Section 51(1)(a)

Name of Sole Proprietary: Gina Dionne Sim

Registered Office Address: 5 Ennisdale Drive, Durban North, Durban, Kwa-Zulu Natal,
4051

Postal Address: 5 Ennisdale Drive, Durban North, Durban, Kwa-Zulu Natal,
4051

Telephone (office): 064 512 8109
Fax Number (office): N/A
General Email Address (office): psychology@ginasim.co.za
Website address: www.ginasim.co.za

Name of Information Officer: Gina Dionne Sim
- Cell: 064 512 8109
- Email: psychology@ginasim.co.za

Physical Address: 5 Ennisdale Drive, Durban North, Durban, Kwa-Zulu Natal,
4051

Postal Address: 5 Ennisdale Drive, Durban North, Durban, Kwa-Zulu Natal,
4051

Name of Deputy Information Officer: N/A
- Cell:
- Email:

Physical Address:

Postal Address:

3. The ACT and Section 10 Guide as per Section 51(1)(b) please note that this clause is mandatory to be included in all S 51 manuals as is:

- The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

- Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- The contact details of the Commission are:

Postal Address :	Private Bag X2700, Houghton, 2041
Telephone Number :	(011) 877 3600
Fax Number :	(011) 403 0625
Website :	www.sahrc.org.za

NOTE: *The Information Regulator as of 30 June 2021 has taken over the function of the Promotion of Access to Information Act (PAIA) from the South African Human Rights Commission (SAHRC). Should the public wish to lodge a complaint, they may approach the Regulator to adjudicate, or they may approach the court directly.*

- The contact details of the Information Regulator (Department of Justice) is:

Postal Address :	P O Box 31533, Braamfontein, Johannesburg, 2017
Telephone Number :	(010) 023 5200
Email:	enquiries@infoeregulator.org.za
Website :	https://infoeregulator.org.za

Telephone: +27 12 357 8892/ 8544/ 8961

Facsimile: +27 12 315 4837

E-mail: paia@justice.gov.za

Postal address: Department of Justice and Constitutional Development, Private Bag X81, Pretoria, 0001

Description of functions: The Deputy Information Officers, under the direction and guidance of the Information Officer, ensure the implementation of the PAIA by the Department of Justice and Constitutional Development, and provide assistance to anyone who, in terms of the PAIA, wants to access information that is the custody of the Department.

For more information and enquiries:

General enquiries: infoereg@justice.gov.za / paia@justice.gov.za

Codes of Conduct: Codes.IR@justice.gov.za

Information Officers: registration.IR@justice.gov.za / paia@justice.gov.za

Prior Authorisation: PriorauthorisationIR@justice.gov.za

Complaints: PAIAComplaints@infoeregulator.org.za

4. **Applicable Legislation as per Section 51(1)(c)**

Information is available in terms of the following legislation, if and where applicable (**as amended**):

- Basic Conditions of Employment Act No. 75 of 1997
- Constitution of the Republic of South Africa No. 108 of 1996
- Consumer Affairs (unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act No. 68 of 2008
- Income Tax Act No. 58 of 1962
- Occupational Health and Safety Act No. 85 of 1993
- Promotion of Access to Information Act No. 2 of 2000
- Protection of Personal Information Act, No. 4 of 2013
- Unemployment Insurance Act No. 30 of 1966
- Value – Added Tax Act No. 89 of 1991
- Chapter 2 of the Constitution of South Africa, (Act 108 of 1996) (obtainable from Council's website www.hpcs.co.za /Health Related Acts)
- National Health Act, (Act 61 of 2003)
- Health Professions Act, 1974 (Act 56 of 1974)
- Section 8 of the Employment Equity Act, (Act 55 of 1998)
- Labour Relations Act, (Act 66 of 1995)
- The School Education Act, (Act 6 of 1995)
- Mental Health Act, 2002 (Act 17 of 2002)
- Children's Act ,(Act 38 of 2005); National Board Examinations Policy- Psychology – Updated Nov 2018 40
- Child Justice Act, (Act 75 of 2008)
- Basic Condition of Employment Act,(Act 75 of 1997)
- Criminal Procedure Act,(Act 51 of 1977)
- Older Persons Act(Act 13 of 2016)

Health Professions Council of South Africa (HPSCSA) docs below:

1. HPCSA Ethical Code of Professional Conduct - Generic ethical rules and annexure 12 - Form 223);
2. List of classified tests (Form 207)
3. Policy on the classification of psychometric measuring devices, instruments, methods and techniques (Form 208)
4. Revised Policy on Business Practice (Form 286)
5. HPCSA Good Practice Guide (HIV)
6. HPCSA Promulgated Scope of Practice.
7. HPCSA Scope of Profession.

5. **Schedule of Records as per Section 51 (1) (d)**

Public Affairs / Marketing:

- Data Base of Clients: Availability to be determined upon receipt of request.
- Website Information: Freely Available at: www.ginasim.co.za

Financial & HR:

- Employment Contracts: Availability to be determined upon receipt of request.
- Agreements With Suppliers: Availability to be determined upon receipt of request.
- Purchase Agreements: Availability to be determined upon receipt of request.
- Financial Statements & Tax records: Availability to be determined upon receipt of request.
- Management Accounts: Availability to be determined upon receipt of request.
- Consent forms
- Personal Information forms

Corporate Governance:

- Policies and procedures

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

To facilitate the processing of your request, kindly:

- Use the prescribed form, available on the website of the Department of Justice (Information Regulator) at <https://inforegulator.org.za/paia-forms/>
- A Requester must address their request to the “Information Officer”.
- Provide sufficient details to enable GINA SIM CLINICAL PSYCHOLOGIST to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
 - The form of access required;
 - The postal address or fax number of the requester in the Republic;
 - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

7. Any other Information as per Section 51(1)(f)

Prescribed Fees in Respect of Requests for Information (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 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);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the Department of Justice (information Regulator) at www.justice.gov.za.

8. Purpose for the PAIA manual

This PAIA Manual is useful for the public to-

- 8.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 8.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 8.3 know the description of the records of the body which are available in accordance with any other legislation;
- 8.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 8.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 8.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 8.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 8.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 8.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 8.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

9. Grounds for a refusal of a request

Chapter 4 of PAIA provides for several grounds on which a request for access to Personal Information must be refused. These grounds may include where:

- the privacy and interests of other individuals are protected, including a deceased person, where disclosure would be unreasonable;
- such Records are already otherwise publicly available;
- the public interests are not served;
- the mandatory protection of commercial information of a third party/ company which include trade secrets, financial, commercial or technical information that may cause harm if disclosed and information that could put a third party/company in disadvantage in

contractual/ other negotiations or commercial competition or computer programs owned by a company protected by copyright and intellectual property laws;

- the mandatory protection of certain confidential information of a third party;
- the mandatory protection of confidential information of third parties if it is protected in terms of an agreement;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of Records that are privileged in legal proceedings;
- research information of a third party/ Company if disclosure would put the research or researcher in disadvantage; and
- requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

10. Information or Records not found

If information or records cannot be found despite reasonable and diligent searches by the party from whom they have been requested, then the Information Officer of such party must provide the Requester with a notice in the form of an affidavit setting out the measures taken to locate the document and the inability to locate it.

11. Remedies to a Requester if access is refused

The decision made by the Information Officer is final and the requesters must exercise external remedies if the request for access to Information or records is refused. A requester may however apply to a court for relief within 180 days of notification of the decision for appropriate relief as provided for in terms of sections 56(3) (c) and 78 of PAIA.