



**MANUAL OF KIRLAND INVESTMENTS (PTY) LTD trading as
MEDICAL FORUM THEATRE
(Hereinafter referred to as “Medical Forum Theatre”)**

Prepared in accordance with section 51 of the Promotion of Access
to Information Act, No 2 of 2000.



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PREAMBLE

The Promotion of Access to Information Act No 2 of 2000, (“the Act”) came into operation on 9 March 2001. Section 51 of the Act requires that we, as a private body, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights

A: INTRODUCTION

Medical Forum Theatre’s main business concern is an ophthalmic operating day-theatre facility for doctors of the Eye and Laser Institute situated in Port Elizabeth. Medical Forum Theatre also avails general theatre space to other medical practitioners for day case surgeries.

B: PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact Details

Name of Body: Kirland Investments (Pty) Ltd t/a Medical Forum Theatre
(Reg No: 2004/000168/07)

Head of Body: Dr Andries Johannes Marais

Postal Address: 209 Cape Road, Mill Park, Port Elizabeth, 6001

Physical Address: 209 Cape Road, Mill Park, Port Elizabeth

Telephone Number: (041) 373 0682

Fax Number: (041) 374 0488

Email Address: info@medicalforumtheatre.co.za



2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will, according to the South African Human Rights Commission (SAHRC), be available for inspection at the offices of the SAHRC. Please direct any queries to:

The South African Human Rights Commission: PAIA Unit The Research and Document 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

3. Records available in terms of any other legislation [Section 51 (1) (d)]

Where applicable to our operations, information is also available in terms of the following legislation:

- Basic Conditions of Employment Act No.75 of 1997
- Compensation for Occupational Injuries and Diseases Act No.130 of 1993
- Companies Act No.61 of 1973
- Employment Equity Act No.55 of 1998
- Income Tax Act No.95 of 1967
- Labour Relations Act No.66 of 1995
- National Health Act No.63 of 1977
- Occupational Health and Safety Act No.85 of 1993
- Regional Services Councils Act.109 of 1985
- Skills Development Levies Act.9 of 1999
- Unemployment Insurance Act No.63 of 2001
- Value Added Tax Act.89 of 1991
- Any other legislation relevant to the business concerned

4. Access to the records held by Kirland Investments (Pty) Ltd [Sections 51(1)(c) and 51(1)(e)]

i. Information readily available

There is currently no description of categories of records, which are automatically available in terms of s52(2) of the Act.

ii. Records held by Kirland Investments (Pty) Ltd and available only on request

Company Documents

- Certificate of Incorporation
- Memorandum and Articles of Association
- Certificate to Commence Business
- Licenses and permits
- Fidelity and Indemnity insurance policies

Accounting Records

- Annual Financial Statements
- Asset Registers

Employment Records

- Employees' names and occupations
- All other statutory compliances including, but not limited to: VAT, Skills Development Levy and UIF.

Agreements and Related Correspondence

- Agreements with contractors and suppliers
- Purchase or lease agreements

Marketing

- Brochures, Newsletters and Advertising Materials

Patient Records

- Patient records will not be disclosed to any other party without appropriate written consent being in place from the patient

iii. The request procedure

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested information is required for the exercise or protection of that right [s 53(2) (d)].
- If a request is made on behalf of a another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

iv. Grounds for refusal

We may legitimately refuse to grant you access to a requested record that falls within any of the following grounds for refusal:

- we are protecting personal information that we hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- the protection of a third party's right to privacy when such release of information would amount to the unreasonable and/or unlawful disclosure of personal information of that person, including the personal information of a deceased individual;
- we are protecting commercial information that we hold about a third party (for example trade secrets, financial, commercial, scientific or technical information where disclosure may harm the commercial or financial interests of that third party);
- the disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- the disclosure of the record would endanger the life or physical safety of an individual;
- the disclosure of the record would prejudice or impair the security of property or means of transport;
- the disclosure of the record would prejudice or impair the protection of the safety of the public;
- the record is privileged from production in legal proceedings, and the person entitled to legal privilege has not waived the privilege;
- the disclosure of the record (where the record contains trade secrets, financial, commercial, scientific, or technical information) would harm our commercial or financial interests;

- the disclosure of the record would put us at a disadvantage in contractual or other negotiations or prejudice us in commercial competition;
- any confidential information which is protected by an agreement;
- any intellectual, commercial and/or related documentation relating to our business activities;
- any other reason that is allowed in any applicable law;
- The record is a computer programme; and
- the disclosure of the record (where the record contains information about research being carried out or to be carried out by or on behalf of us or a third party) would expose us, the third party, the person carrying out the research or the subject matter of the research itself to serious disadvantage.

v. The prescribed forms and fees

The prescribed form:

- The requester must have the prescribed form being Schedule 1 hereto to make the request for access to a record.
- The prescribed form (Form C) is also available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulations section.

The prescribed Fees:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R 50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Fees in respect of 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 referred to in regulation 11(1) are as follows:

	R
a) For every photocopy of an A4-size page or part hereof	1,10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0,75
c) For a copy in a computer-readable form on -	
(i) Flash drive /memory stick	100,00
(ii) compact disc	70,00
d) (i) For a transcription of visual images, or an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R 50, 00

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
1. (a) For every photocopy of an A4-size page or part thereof part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0,75
(c) For a copy in a computer-readable form on –	
(i) Flash drive / Memory stick	100,00
(ii) compact disc	70,00
(d)	
(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(iii) For a copy of visual images	60,00
(e)	
(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00



(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation. 30,00

2. For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) One third of the access fee is payable as a deposit by the requester.

3. The actual postage is payable when a copy of a record must be posted to a requester.

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The Manual is available for inspection at the offices of Medical Forum Theatre free of charge; and copies are available with the South African Human Rights Commission

D. Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE