

Dr. Candice Fick's General Medical Practice



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|-----------------------|--|
| 1.1 | “DIO” | Deputy Information Officer; |
| 1.2 | “IO” | Information Officer; |
| 1.3 | “HPCSA” | Health Professions Council of South Africa; |
| 1.4 | “The Practice” | Dr Candice Fick, General Medical Practice; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. INTRODUCTION TO THE PRACTICE

Dr Candice Fick, General Medical Practice (“the Practice”) is a General Practice, which is conducted in accordance with the requirements of the Health Professions Act 56 of 1974 and is subject to the authority of the Health Professions Council of South Africa (“HPCSA”). The practitioner/s practising at the practice are registered at the HPCSA and provide medical services within the scope and ambit of their registration, competence and training. The practitioner/s are bound by the Ethical Rules issued by the HPCSA, which include the duty to preserve patient confidentiality.

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 3.1. check the categories of records held by the Practice which are available without a person having to submit a formal PAIA request;

- 3.2. have a sufficient understanding of how to make a request for access to a record of the Practice, by providing a description of the subjects on which the Practice holds records and the categories of records held on each subject;
- 3.3. know the description of the records of the Practice which are available in accordance with any other legislation;
- 3.4. 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;
- 3.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6. 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;
- 3.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9. 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
- 3.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION: DR CANDICE FICK, GENERAL MEDICAL PRACTICE

4.1. Practice Owner and Information Officer

Name: Dr Candice Fick
Tel: 060 434 6892
Email: dr.candicefick@gmail.com
Website: <https://dr-candice.com>

4.2. Deputy Information Officer:

Name of the Deputy Information Officer: N/A

4.3. Access to information general contacts:

Email: reception@dr-candice.com

4.4. Practice contact information

Physical Address: Shop 2, 80 Jorissen Street,
Braamfontein, Johannesburg
2001

Postal Address: As above.

Telephone: 060 434 6892

Email: reception@dr-candice.com

Website: <https://dr-candice.com>

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form

and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2. The Guide is available in each of the official languages and in braille.

5.3. The aforesaid Guide contains the description of-

5.3.1. the objects of PAIA and POPIA;

5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

5.3.2.1. the Information Officer of every public body, and

5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

5.3.3. the manner and form of a request for-

5.3.3.1. access to a record of a public body contemplated in section 11³;
and

5.3.3.2. access to a record of a private body contemplated in section 50⁴;

5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Regulator; and
 - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92¹¹.
- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

ENGLISH, AFRIKAANS, ISIZULU, SESOTHO.

6. HOW TO REQUEST ACCESS TO RECORDS HELD BY THE PRACTICE

Requests for access to records held by The Practice must be made on the request forms that are available from the Information Regulator's website (<https://inforegulator.org.za/paia/#tab-strongformsstrong>). When a record is requested, please note that:

- 6.1. Fees may be payable for reproduction of the record requested. These fees are prescribed by law, and can change from time to time.
- 6.2. The Request Form known as "Form C – REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY" must be completed. It can be obtained from our Information Officer, on the Information Regulator's website (<https://inforegulator.org.za/paia/#tab-strongformsstrong>) or on the website of the Department of Justice (www.justice.gov.za) under "PAIA" and "forms".
- 6.3. On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information.
- 6.4. If the requester is acting on behalf someone else, the details of the other person as the one who has authorised the request must be included.
- 6.5. The requester must state in which form and format (inspection of copy, paper copy, electronic copy, transcript, etc) they want to access the information.
- 6.6. If the record is part of another record, the requester will only be allowed access to the part/s that pertains to the information they want or is entitled to, and not the rest of the record.

6.7. To facilitate the processing of your request, kindly use the prescribed form, address your request to the Information Officer, and provide sufficient details to enable SAMA to identify:

- the record/s requested;
- the requester (and if an agent is lodging the request, proof of capacity);
- the form of access required;
- the postal address or fax number of the requester in the Republic of South Africa; if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- 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.

All requests will be evaluated against the provisions of the PAIA. The Act allows the Information Officer to refuse access on grounds stipulated in the Act. A requester can, for example, not access another person's confidential information, or trade or commercial secrets of a business. An answer on a request for information must be made within thirty (30) days of the request, and if not granted and the requester is not satisfied with the reasons for the refusal of access, they can approach the courts within thirty (30) days of the request being refused.

7. CATEGORIES OF RECORDS OF THE PRACTICE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

NB: These are specific categories of records held by the Practice which are available without a person having to request access by completing Form C, types of the records and how the records can be accessed.

Category of records	Types of the Record	Available on Website	Available upon request
Services offered	List of available services, screening activities and programs available	X	
POPIA and PAIA compliance	Privacy Policy, PAIA Manual, Data breach SOP.	X	
Rates and billing	Private practice rates, List of medical aids for which we are a preferred/ network provider, List of medical aids or plans not accepted		X

Patient health information	Clinical and demographic information for individual patients based on consultations.		Available on request ONLY if requested by the patient themselves.
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8. DESCRIPTION OF THE RECORDS OF DR CANDICE FICK GENERAL MEDICAL PRACTICE WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

***NB:** Please specify all the records which are created and available in accordance with any of the South African legislation.*

Where applicable to its operations Dr Candice Fick, General Medical Practice also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- 8.1. Auditing Professions Act, No 26 of 2005;
- 8.2. Basic Conditions of Employment Act, No 75 of 1997;
- 8.3. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- 8.4. Business Act, No 71 of 1991;
- 8.5. Companies Act, No 71 of 2008;
- 8.6. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- 8.7. Competition Act, No.71 of 2008;
- 8.8. Constitution of the Republic of South Africa 2008;
- 8.9. Copyright Act, No 98 of 1978;
- 8.10. Customs & Excise Act, 91 of 1964;
- 8.11. Electronic Communications Act, No 36 of 2005;
- 8.12. Electronic Communications and Transactions Act, No 25 of 2002;
- 8.13. Employment Equity Act, No 55 of 1998;

- 8.14. Financial Intelligence Centre Act, No 38 of 2001;
- 8.15. Identification Act, No. 68 of 1997;
- 8.16. Income Tax Act, No 58 of 1962;
- 8.17. Intellectual Property Laws Amendment Act, No 38 of 1997;
- 8.18. Labour Relations Act, No 66 of 1995;
- 8.19. Long Term Insurance Act, No 52 of 1998;
- 8.20. Occupational Health & Safety Act, No 85 of 1993;
- 8.21. Pension Funds Act, No 24 of 1956;
- 8.22. Prescription Act, No 68 of 1969;
- 8.23. Prevention of Organised Crime Act, No 121 of 1998;
- 8.24. Promotion of Access to Information Act, No 2 of 2000;
- 8.25. Protection of Personal Information Act, No. 4 of 2013;
- 8.26. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- 8.27. Revenue laws Second Amendment Act. No 61 of 2008;
- 8.28. Skills Development Levies Act No. 9 of 1999;
- 8.29. Short-term Insurance Act No. 53 of 1998;
- 8.30. Trust Property Control Act 57 of 1988
- 8.31. Unemployment Insurance Contributions Act 4 of 2002;
- 8.32. Unemployment Insurance Act No. 30 of 1966;
- 8.33. Value Added Tax Act 89 of 1991.

* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

9. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE PRACTICE

NB: Description of the subjects (i.e. Finance, SCM or HR), in respect of which the body holds records and the categories of records held on each subject

Subjects on which the body holds records	Categories of records
Strategic Documents	Practice Reports, Strategic Plan and Annual Calendar.
Compliance records	- HPCSA registration, HPCSA compliance, Board of Healthcare Funders registration, payment of fees and licenses, indemnity insurance information.
Human Resources	- Employee records, including personal information, employment contracts, leave and remuneration
Financial and operational records	- Billing, invoices, payments, receipts – for services - Procurement, service provider information - Property lease, billing and payment records - Insurance records - Expenditure records, ledgers, journals. - Tax records, payment and tax compliance
Health and Safety records	- Medical waste management records - Occupational health and safety records - In alignment with legislation
Marketing records	- Flyers, print materials, electronic marketing materials used in past or present
Practice performance records	- Client numbers, categories of services provided, turnover, utilisation.
Patient records	- Patient personal information, including health information, medical scheme information and billing information.
Pharmaceutical records	- SOPs for medicine stock management - Medication procurement, receipt and storage - Stock management

10. PROCESSING OF PERSONAL INFORMATION

10.1. Purpose of Processing Personal Information

The practice processes personal information of data subjects (patients) for the following purposes:

- 10.1.1. to conduct and manage the practice in accordance with the law, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities;
- 10.1.2. for treatment and care of patients, including referrals to other practitioners and reporting to referring practitioners and technicians;
- 10.1.3. for communication purposes;
- 10.1.4. for the maintenance of practice records and patients' medical records;
- 10.1.5. for employment and related matters of employees and other practitioners;
- 10.1.6. for reporting to persons and bodies as required and authorised in terms of the law or by the data subjects;
- 10.1.7. for historical and practice management purposes;
- 10.1.8. for proof;
- 10.1.9. for enforcement of the practice's rights; and/or
- 10.1.10. for any other lawful purpose related to the activities of a private practice

10.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

***NB:** the categories of data subjects in respect of whom the body processes personal information and the nature or categories of the personal information being processed. Note that the nature or categories of the personal information is dependent on the purpose of the body in performing its functions or services.*

Categories of Data Subjects	Personal Information that may be processed
Patients / Clients	Names, identity number, contact numbers, medical aid information, medical history, diagnosis, treatment history, clinical progress, results of investigations, treatment plan.
Service Providers	Names, registration number, vat numbers, address, and bank details
Employees	Names, contact information, qualifications, remuneration, tax information, leave data, gender and race

10.3. The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Patient name, identity number, contact numbers, medical aid information, medical history, diagnosis, treatment history, clinical progress, results of investigations, treatment plan.	<ul style="list-style-type: none"> - Referral healthcare providers for further patient investigation, management and care. - Medical schemes for the processing of claims, for motivation for medical treatment or referral or for registering for benefits or enhanced packages of care. - On request to the patient
Specific information related to disease/ specific diagnosis: clinical history, results of investigations, treatment dates.	<ul style="list-style-type: none"> - In the event of outbreaks/ public health emergencies as guided by Department of Health mandate - Reporting of clinical adverse events to mandated reporting channels in line with relevant legislation
Employee names, contact information, employment information, tax information	<ul style="list-style-type: none"> - In line with Department of Labour requirements, SARS requirements or as required in line with legislation, following the relevant defined processes.

10.4. Planned transborder flows of personal information

The practice stores electronic information, including personal information of data subjects, in the 'cloud', the servers of which may be located outside of the borders of the Republic of South Africa ("RSA"). Due care is taken in the selection of appropriate, locally-based cloud service providers to ensure compliance with the Protection of Personal Information Act ("POPIA") and protect the privacy of data subjects.

10.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The practice is committed to ensuring the security of the personal information in its possession or under its control in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. It continually reviews and updates its information protection measures to ensure the security, integrity and confidentiality of this information in accordance with industry best practices.

The measures it adopts to ensure the security of personal information, includes technical measures and internal policies to prevent unauthorised access, loss or use of personal information, for example, the physical securing of the offices where information is held; locking of cabinets with physical records; password control to access electronic records; server access control; and off-site data back-ups. All computers and devices used for practice work make use of firewalls as well as antivirus and anti-malware software, which is regularly updated.

In addition, only those practitioners and employees that require access to the information to treat patients and discharge their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the practice requiring them to implement appropriate security measures and to maintain the confidentiality of the information. Contractors are required to adhere to the strict policies and processes implemented by the practice and are subject to sanctions for any security breach. All security breaches are taken seriously and are addressed in accordance with the law.

11. AVAILABILITY OF THE MANUAL

11.1. A copy of the Manual is available-

- 11.1.1. on dr-candice.com (<https://dr-candice.com>);
- 11.1.2. head office of the Practice (Dr Candice Fick General Medical Practice) for public inspection during normal business hours;
- 11.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
- 11.1.4. to the Information Regulator upon request.

11.2. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

12. UPDATING OF THE MANUAL

The Practice Owner/ Information Officer will on a regular basis update this manual.

Issued by



Dr Candice Fick

Practice Owner