



# **PROMOTION OF ACCESS INFORMATION MANUAL FOR THE OHSC**

## **In terms of Section 14(1) of the Promotion of Access to Information Act 2 of 2000 (“the Act”)**

### **1. THE PURPOSE**

The purpose of this document is to serve as the manual of the Office of Health Standards Compliance (OHSC) as required in terms of the Act, and to provide a reference as to the records held and the procedure that need to be followed to request access to such records.

### **2. INTRODUCTION**

The OHSC envisages to improve the safety and quality of healthcare for users so as to restore credibility and trust.

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996, determines that everyone has a right of access to any information held by the State. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. PAIA is a national legislation contemplated in section 32(2) of the Constitution. Section 9 of PAIA provides that the right of access to information is subject to certain justifiable limitations aimed at, amongst others: (a) the reasonable protection of privacy; (b) commercial confidentiality; (c) effective, efficient and good governance. Section 14(1) of PAIA stipulates that the Information Officer of the Public body must compile a manual in at least three official languages containing information on the Public Body for public consumption. Should this manual be translated into any other language and there is a conflict or inconsistency between the English version and the other languages, the English language text of the manual shall prevail. The purpose of this manual is to inform the public about the records held by the OHSC (the public body in terms of PAIA) and how to obtain access to them.

The manual covers records held by OHSC and its operating divisions.

### 3. SECTION 1: CONTACT PERSON AND ADDRESS DETAILS

As required by Section 17 (1) the Chief Executive Officer, has duly authorized the following persons below to ensure that the Act is complied with:

Contact Person : Mr. Khehla Khoza  
Adv. Makhwedi Mokgopa-Madisa

Physical Address : The Office of Health Standards Compliance  
Medical Research Council Building  
1 Soutpansberg Road,  
Prinshof, Pretoria

Postal Address : Private Bag X 21  
Arcadia  
0007

Telephone : (012) 339 8634  
: (012) 339 8693

E-mail address : [kkhoza@ohsc.org.za](mailto:kkhoza@ohsc.org.za)  
: [mmakgopa-Madisa@ohsc.org.za](mailto:mmakgopa-Madisa@ohsc.org.za)

### 4. SECTION 11: GUIDE ON HOW TO USE THE ACT (as required by section 14 (1) (b) (i), as read with section 10)

The South African Human Rights Commission has compiled a guide, in the terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in 2005 and access to it, and any amended versions thereof can be found on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za), or a hard copy can be obtained directly from the South African Human Rights Commission.

The South African Human Rights Commission contact details are as follows:

Physical Address : The South African Human Rights Commission  
: EAIA Unit  
: The Research and Documentation OHSC  
: 29 Princess of Wales Terrace  
: Cur York and St. Andrews Street  
: Parktown  
: Johannesburg

Postal Address : Private Bag X 2700  
: Houghton  
: 2041

Telephone : (011) 484 8300

Fax : (011) 484 0582

E-mail address : [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

Website : [www.sahrc.org.za](http://www.sahrc.org.za)

## 5. OFFICE OF HEALTH STANDARDS COMPLIANCE

### **Vision**

*Safe and quality healthcare for all South Africans.*

### **Mission**

*We act independently, impartially, fairly and fearlessly on behalf of the people of South Africa in guiding, monitoring and enforcing healthcare safety and quality standards in health establishments.*

### **Values**

*Our values are informed by the South African Constitution and Batho Pele principles: "Human dignity; freedom and the achievement of equality; and that people must come first."*

## Strategic imperatives



In adherence to our legislative mandate in terms of the National Health Act No. 61 of 2003, and the Strategic Goals set by the Board, the OHSC compiled a strategic plan for the five years from 2015 until 2020. The key imperatives of our strategy are based on upholding the following objectives of the OHSC to:

- Prioritise those establishments that are the weakest and serve the most disadvantaged users in order to shift the system towards safer care, while still recognising excellence wherever it is found;
- Use a progressive and developmental approach to enforcement in order to enhance change at different levels of the system;
- Use the power of information and communication, ranging from awareness and guidance through monitoring, analysis, reporting and publication, as a strategic tool to influence decisions and behaviour;
- Create and effectively use platforms for interaction with key users, providers and leadership groups to foster collaborative efforts towards improved outcomes; and
- Develop the capacity of staff and those who work directly with the OHSC as agents of change through training, rigorous control of the quality of outputs and ongoing learning.

The OHSC's objectives are pursued through the following programmes:

Programme	Functions
1.Administration	To provide the leadership and administrative support necessary for the OHSC to deliver on its mandate and comply with all relevant legislative requirements.
2.Compliance Inspectorate, Certification and Enforcement	To manage the inspection of health establishments in order to assess compliance with national health system's norms and standards as prescribed by the Minister, certify health establishments as compliant or non-compliant with prescribed norms and standards and take enforcement action against non-compliant health establishments.
3.Complaints Management and Ombud	To consider, investigate and dispose of complaints relating to the non-compliance with prescribed norms and standards in a procedurally fair, economical and expeditious manner.
4.Health Standards Design, Analysis and Support	To provide high-level technical, analytical and educational support to the work of the OHSC in relation to research of norms and standards; guidance on compliance with norms and standards, analysis of data collected and establishment of communication networks with other stakeholders.

## **6. SECTION III: CATEGORIES OF RECORDS AVAILABLE (as required by Section 15 (1))**

The following categories of records are automatically available without a person having to request access in terms of this Act:

### **6.1. Human Resources**

- Employment Equity returns to Department of Labour
- Work skills Development Plans submitted to relevant Skills Education Training Authorities (SETA)
- Standard Terms and Conditions of Employment applicable to all staff

### **6.2. External Auditors**

- Audit Reports
- The OHSC auditors are Auditor-General of South Africa.

## **7. SECTION IV: RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (as required by Section 6).**

Records are available, where applicable, in accordance with the following current South African Legislation (only to the extent that the relevant Act makes disclosure of records compulsory):

- Section 31 (1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## **8. SECTION V: DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS (as required by Section 14 (1) (f)).**

Any request for access to records should be submitted on the prescribed form A (a copy of which is attached) which should be sent to the contact person whose names and address details appear in Section thereof.

OHSC has in its possession the following categories of records on the subject matters referred to hereunder:

### **9. CEO's OFFICE**

- General Correspondence
- Internal reports and communications
- Policy documents
- Strategy documents
- Financial reports
- Statutory records
- Records of OHSC conferences and events
- Campaign records
- Media statements
- Internal newsletters
- OHSC publications

### **10. CHIEF FINANCIAL OFFICER**

The Chief Financial Officer (CFO) maintains financials and management accounts for OHSC and operating divisions. The CFO records comprise the following main categories:

- Accounting records
- General correspondence

- Management records
- PAYE records
- Consolidation records
- Internal reports and communications
- Technical records
- OHSC administration records
- Risk management records
- General administration records
- Audit reports and supporting working papers
- Annual Financial Statements
- Banking records
- Asset register
- Rental Agreements
- Invoices

## **11.INTERNAL AUDIT**

The Internal Audit function is being exercised by Nexia SAB & T. This Unit's purpose is to provide independent assurance that risks are being appropriately managed. Internal Audit Records pertaining to OHSC comprise the following main categories:

- General correspondence
- Employee records
- OHSC policies
- Performance targets

## **12.HUMAN RESOURCES MANAGEMENT**

The Human Resources function is responsible for provision of human sources management services within the organisation. The Units records comprise of amongst others:

- General correspondence
- Employee records
- General HR policies, procedures and practices
- Training records
- Pension records
- Employee benefits records
- Labour relations records
- Statutory records
- Employment equity records
- Contracts
- Payroll records

### **13. COMPANY SECRETARIAT AND LEGAL SERVICES**

The Company Secretariat and Legal Services provides assistance with all corporate legal matters material to OHSC and its operating units. Records comprise the following categories:

- Board Meetings
- Board Minutes
- Board Resolutions
- Working files
- Agreements
- Statutory records
- Litigation records
- Legal records
- Legal Opinions
- Internal reports and communications

## **14. COMPLIANCE INSPECTORATE, CERTIFICATION AND ENFORCEMENT**

### **14.1. Compliance Inspectorate**

The Inspectorate is responsible for inspection of health establishments in order to ensure compliance with national health systems' norms and standards. The Unit's records comprise:

- General Correspondence
- Health Establishment Inspection Reports
- Health Establishment Records
- Financial records and budgets
- Internal reports and communication
- Research records, documentation and diagram

### **14.2. Certification Unit**

- General Correspondence
- Certification and Enforcement Framework
- Database for certified Health Establishments
- Copies of certificates of compliance issued to Health Establishments
- Database for suspended Certificates of Compliance

### **14.3. Enforcement Unit**

- General Correspondence
- Enforcement Policy
- Copies of Compliance Notices issued to Health Establishments
- Database of non-compliant health establishments
- Record of hearings conducted
- Record of fines issued against health establishments
- Findings of *ad hoc* tribunals on enforcement related hearings and appeals

## **15. COMPLAINTS MANAGEMENT AND OMBUD**

The function is to consider, investigate and dispose of complaints in a procedurally fair, economical and expeditious manner.

### **15.1. Complaints Unit**

- Complaints Received
- Complaints Rejected
- Complaints Resolved
- Complaints Assessed
- Complaints referred to Investigations

### **15.2. Investigation Unit**

- Ongoing Investigations
- Final Investigations Reports
- Discontinued Investigations
- Investigation Reports and Recommendations handed to CEO of OHSC

## **16. HEALTH STANDARDS DESIGN, ANALYSIS AND SUPPORT**

The purpose is to provide high-level technical, analytical and educational support to the work of the Office and capacity building and establishment of communication networks with stakeholders.

- Health Standards Design and Development Unit Draft norms and standards for General Practice recommended to the National Department of Health
- Lists of norms and standards to be developed for Regulations
- National Core Standards Measurement/Inspection tools
- Records of Frequently Asked Questions
- Terms of Reference for Task Teams

### **16.1. Systems, Data Analysis and Research**

- Policies and SOPs

- Records of Identified high risk health establishments
- Records of submission of Annual Returns and reports (during pilot and testing of the system)
- EWS scoping document
- List of EWS indicators
- Inspection findings analysed reports as per request
- Health establishments register

## **16.2. Guidance and Support and Training Unit**

- Training programme for Inspectors and accompanying material
- Attendance registers for trainings
- Evaluation reports
- Training reports
- Guidance and support reports
- Self -Assessment Guide (to be revised following promulgated norms and standards)
- Quality Improvement guide (to be revised following promulgated norms and standards)

## **17. SECTION VI: ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES**

A request for access to records must be made in the prescribed Form A (a copy of which is attached herein) which should be sent to the Deputy Information Officer: at his/her address, fax number or electronic mail address.

Please note an initial, non-refundable request fee of R35.00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the

fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

- (a) Notification of extension period (if required) the Act, the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension)
- (b) The access fee and/or deposit
  - The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

#### Payment Method

All payments must be made by deposit into the following Bank:

Bank Name:	<b>Standard Bank</b>
Account name:	<b>Office of Health Standards Compliance</b>
Current account number:	<b>411063227</b>
Branch name:	<b>Van der Walt Branch</b>
Branch code:	<b>01-45-00</b>

No request may be processed unless the request fee, where applicable has been paid; Section 22 (1) of the Act.

Reference: PAIA/00001/full names

(c) Decision on request

The applicant will be informed whether or not the application for access has been denied or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused access, the applicant will be given adequate reasons for refusal and will be informed that the applicant may appeal to the Board or lodge an application with a court against the refusal of access to records.

(d) Grounds for refusal

- The OHSC may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the OHSC holds about a third person (who is a natural or juristic person), including a deceased person, from unreasonable disclosure.
- Protecting commercial information that the OHSC (for example financial, commercial scientific or technical information that may harm the commercial or financial interests of the OHSC or third party).
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
- If disclosure of the record would endanger the life or physical safety of an individual.
- If disclosure of the record would prejudice or impair the security of property or means of transport.
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.

- If 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, unless the legal privilege has been waived.
  - Disclosure of the record would put the OHSC at a disadvantage in contractual or other negotiations.
  - The record contains information about research being carried out or about to be carried out on behalf of a third party or the OHSC.
- (e) Records that cannot be found or do not exist.
- If the OHSC has searched for a record and it is believed that the record either does not exist or cannot be found, the register will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.
- (f) Third party information
- If access is requested to a record that contains information about a third party, the OHSC is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
  - In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider those reasons in determining whether access should be granted or not.



Office of Health Standards Compliance  
Ensuring quality and safety in health care

**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000  
(Act No.2 of 2000))

**[Regulation 6]**

**FOR OHSC USE**

**Reference Number:**

.....

**Request received by**

.....(state  
rank, name, and surname of information officer/deputy information officer) on

..... (date) at

.....(place)

**Requested fee (if any): R** .....

**Deposit (if any): R** .....

**Access fee: R** .....

.....

**SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER**



Office of Health Standards Compliance  
Ensuring quality and safety in health care

## A. PARTICULARS OF A PUBLIC BODY

The Information Officer/Deputy Information Officer

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## B. PARTICULARS OF A PERSON REQUESTING ACCESS TO THE RECORD

*(a) The particulars of the person who requests access to the record must be recorded below.*

*(b) The address and/or fax number in the Republic to which the information is to be sent*

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*(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

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Identity number:

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Postal address:

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\_\_\_\_\_ Fax number:

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Telephone number: \_\_\_\_\_ E-mail address:

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Capacity in which request is made, when made on behalf of another person:

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### **C.PARTICULARS OF PERSON ON WHOSE BEHALF A REQUEST IS MADE**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and

surname: \_\_\_\_\_

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\_\_\_\_\_ Identity

number: \_\_\_\_\_

## D.PARTICULARS OF A 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 a 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 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 therefore.*

Reason for exemption of payment for the fee:

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## F. FORM OF ACCESS TO THE RECORD:

If you are prevented by a disability to era, view or listen to the record in the form of access provided for in 1 to 4 hereunder, 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 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	
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**2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)**

View the images		Copy the images		transcription of the images*	
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**3. If the record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack		Transcription of soundtrack* (written or printed document)	
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(audio cassette)			
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**4. If the record is held on computer or in a 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)	
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	No
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**G. 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?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

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Signature of requester/person on whose behalf request is made