



# RESOLUTION

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**PROMOTION OF ACCESS TO INFORMATION ACT,  
ACT 2 OF 2000 (“The Act”)**

**MANUAL IN TERMS OF SECTION 51 OF THE ACT FOR  
AGILITY GLOBAL HEALTH SOLUTIONS AFRICA (PTY) LTD**

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## INTRODUCTION

**AGILITY GLOBAL HEALTH SOLUTIONS AFRICA (PTY) LTD** Company Reg number: 1995/012897/07. The private body is a firm that renders a medical telephone support service.

## PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

*The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.*

### 1. Contact Details

*[Section 51(1) (a)]*

Name of Private Body:	AGILITY GLOBAL HEALTH SOLUTIONS AFRICA (PTY) LTD
Designated Information Officer:	George Roper
Email address of Information Officer:	georger@agilityghs.com
Postal address:	PO Box 1555, Fontainebleau, 2032
Street address:	Resolution Office Park, President Fouché avenue, Boskruin, 2154
Phone number:	(011) 791-6425
Fax number:	(011) 791-7049

### 2. The guide as described in section 10 of the Act

*[Section 51(1) (b)]*

This guide on how to exercise your rights in terms of the Act is in the process of preparation by the SAHRC and is expected to be available in August 2003. *When available, it can be obtained from the SAHRC.*

*Please direct any queries to:*

*The South African Human Rights Commission:*

*PAIA Unit: Research and Documentation Department*

*Postal address:*

*Private Bag 2700*

*Houghton*

*2041*

*Telephone:*

*+27 11 484-8300*

*Fax:*

*+27 11 484-0582*

*Website:*

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

*E-mail:*

*[paia@sahrc.org.za](mailto:paia@sahrc.org.za)*

**3. Categories of records of the private body business which are available without a person having to request access in terms of the Act, ie voluntary disclosure.**

*[Section 51(1) (c)]*

*The private body is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless the private body does make certain information freely available to the public in various brochures, press releases and publications. Certain information is also made available to employees of the private body, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained by the private body employees.*

**4. Records available in terms of other legislation**

*[Section 51(1) (d)]*

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Administration of Estates Act No. 66 of 1965

Arbitration Act No. 42 of 1965

Basic Conditions of Employment Act No. 75 of 1997

Close Corporations Act No.69 of 1984

Companies Act No. 61 of 1973

Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993

Consumer Affairs (Unfair Business Practices) Act No.71 of 1988

Copyright Act No.98 of 1978

Credit Agreements Act No. 75 of 1980

Currency and Exchanges Act No. 9 of 1933

Debtor Collectors Act No. 114 of 1998

Employment Equity Act No. 55 of 1998  
Finance Act No. 35 of 2000  
Financial Services Board Act No. 97 of 1990  
Financial Relations Act No. 65 of 1976  
Harmful Business Practices Act No. 23 of 1999  
Income Tax Act 95 of 1967  
Insolvency Act No. 24 of 1936  
Insurance Act No. 27 of 1943  
Intellectual Property Laws Amendments Act No. 38 of 1997  
Labour Relations Act No. 66 of 1995  
Long Term Insurance Act No. 52 of 1998  
Medical Schemes Act No. 131 of 1998  
Occupational Health & Safety Act No. 85 of 1993  
Pension Funds Act No. 24 of 1956  
Post Office Act No. 44 of 1958  
Protection of Businesses Act No. 99 of 1978  
Regional Services Councils Act No. 109 of 1985  
SA Reserve Bank Act No 90 of 1989  
Short Term Insurance Act No. 53 of 1998  
Skills Development Levies Act 9 of 1999  
Skills Development Act No. 97 of 1998  
Stamp Duties Act No. 77 of 1968  
Stock Exchanges Control Act 1 of 1985 and the rules and listings requirements of the JSE Securities Exchange authorised in terms thereof  
Tax on Retirement Funds Act No. 38 of 1996  
Trade Marks Act No. 194 of 1993  
Unemployment Contributions Act No. 4 of 2002  
Unemployment Insurance Act No. 63 of 2001  
Usury Act No. 73 of 1968  
Value Added Tax Act 89 of 1991

*Please see legislation handout for additional possibilities*

## **5. How to request a record, a description of the subjects on which we hold records, and the categories of records held on each subject**

*[Section 51(1) (e)]*

### **5.1 How to request a record**

Requests for access to records held by the private body must be made on the request forms that are available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations"). For the convenience of requestors, copies of these forms are included in the version of this Manual available at our offices and on our website (Annexure 1).

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies **the right that he or she is seeking to exercise or protect** and **provides an explanation of why the requested record is required for the exercise or protection of that right.**

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of our Information Officer.

**If a requestor does not use the standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.**

Please note that requestors are also required to pay the prescribed fees. **The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is attached as Annexure 2**

The head of the private body must notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The head of the private body will then make a decision on the request and notify the requester in the required form.

If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

*Kindly note that all requests to the private body will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by the private body does not give rise to any rights to access such information or records, except in terms of the Act.*

## 5.2 Subjects and categories of records held by the private body.

We maintain records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

*Please note further that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. In particular, where we act as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of the private body. Requests for access to these records will be considered very carefully. **Please ensure that requests for such records are carefully motivated.***

### 5.2.1: Internal records

The following are records pertaining to the private body's own affairs:

- Certificate of Incorporation
- Memoranda and Articles of Association
- Certificate to Commence business
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Service records;
- Statutory records;

- Internal policies and procedures;
- Minutes of meetings;
- Charters, codes of conduct and policies (both internal and external) to which the private body and its personnel subscribe; and
- Records held by officials of the private body.

#### 5.2.2: Personnel records:

For the purposes of this section, "personnel" means any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation and disciplinary records; and
- Other internal records and correspondence.

#### 5.2.3: Client-related records:

Client-related information includes the following:

- Contracts with the client and between the client and other persons;
- Any records a client has provided to the private body or a third party acting for or on behalf of the private body (including financial, legal, tax, operational, employee and similar records);
- Working papers and notes;
- Any research conducted by the private body in respect of its clients or research derived by the private body from its clients and their activities;
- Records, reports, designs and the like generated by the private body for its clients;
- Any records a third party has provided to the private body, which concerns a client; and
- Records generated by or within the private body pertaining to the client, including transactional records.

#### 5.2.4: Other Parties:

Records are kept in respect of other parties, including without limitation *joint ventures and consortia to which the private body is a party*, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may

possess records which can be said to belong to the private body. The following records fall into this category:

- Personnel, client, or the private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body *pertaining* to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

#### 5.2.5: Other Records:

We hold further records, including:

- Information relating to the private body's own commercial activities;
- Procurement and administration for the private body; and
- Research information belonging to the private body or carried out on behalf of a third party.

### **6. Other information as may be prescribed**

*[Section 51(1) (f)]*

No such information has been prescribed.

### **7. Availability of the manual**

*[Section 51(3)]*

This manual is available from the South African Human Rights Commission (see details above), from the private body (see details above).