



SOUTH AFRICAN NURSING COUNCIL

*Promotion of Access to
Information Act Manual*

January 2003

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1 The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2000 [Act No. 2 of 2000] (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

1.2 Scope

This manual (“the Manual”) has been prepared by the South African Nursing Council, a statutory body established by the Nursing Act, 1978 (Act No. 50 of 1978). It is published in accordance with the requirements of section 51 of the Promotion of Access to Information Act, 2000 and is aimed at facilitating access to records held by the South African Nursing Council in terms of the Nursing Act, 1978.

Specifically, the Manual provides information on:

- The contact details of the information officer, who will deal with a person’s request;
- The structure and functions of the South African Nursing Council;
- The subjects and categories of records that are held by the South African Nursing Council;
- Records that are automatically available, without a person having to request access;
- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed to obtain access to a record.

1.3 Availability of the Manual

The Manual is available in both a printed and a PDF (Portable Document Format) version.

The printed version of the Manual is available for consultation or removal, free of charge, from:

Postal address: **The Communications Manager
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: **registrar@sanc.co.za**

The Manual is accessible in PDF (Portable Document Format) from the South African Nursing Council website www.sanc.co.za

1.4 Access to routinely available information

The South African Nursing Council routinely makes available to the public certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

1.4.1 General Information

General Information on the South African Nursing Council is available on the website www.sanc.co.za. The South African Nursing Council's website is generally available to anyone who has access to the Internet. The website has the following categories:

- About S A Nursing Council
- News
- Nursing Schools

- Policies
- Publications
- Services
- Statistics
- Archive

1.4.2 Brochures

Information brochures on various subjects are available from time to time, free of charge from the Corporate Communications business unit. These will be provided on request: provided that copies are still available. The South African Nursing Council reserves the right to limit quantities. Address your request for brochures to:

Postal address: **The Communications Manager
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: registrar@sanc.co.za

1.4.3 Other Publications

Various other publications are available for purchase from the Cash Management and Sales business unit. These items are generally available ex-stock (depending on the quantities required). These include the following important documents:

- The Nursing Act, 1978
- Regulations of the South African Nursing Council
- Course Directives
- Regulatory Guidelines

An order form giving full details of all the titles and combinations of titles as well as the applicable costs for the various items may be obtained from:

Postal address: **The Manager – Cash Management and Sales
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: **registrar@sanc.co.za**

The South African Nursing Council reserves the right to charge the applicable fees for publications of the Council.

1.5 Policy with regard to confidentiality and Access to Information

The South African Nursing Council will protect the confidentiality of information provided to it by individuals or others, subject to the South African Nursing Council's obligations in terms of any applicable law.

2 Entry point for requests

The Registrar and CEO of the South African Nursing Council has delegated his/her powers in terms of the Act to the Communications Manager, who will handle all requests in terms of the Act on his/her behalf. All requests in terms of the Act must be addressed to:

Postal address: **The Communications Manager
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: registrar@sanc.co.za

At the time of publication of the current version of the Manual (August 2005), the Communications Manager is:

Name: **Ms O Hlongwane**

E-mail: ohlongwane@sanc.co.za

3 Who may request access to information

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Communications Manager with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- A personal requestor, that is a person who requests information about him / herself;
- An agent requestor, that is a person requesting information on behalf of someone else;
- A third party requestor, that is a person requesting information about someone else; or
- A public body, requests information in the public interest.

4 Guidance to requestors

The South African Human Rights Commission compiled a guide (“the Guide”) that includes the following:

- A description of the objectives of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requestors should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access; and
- A reference to any regulations passed.

The Guide has been published in all eleven official languages in both a printed version and electronic PDF (Portable Document Format) version on the South African Human Rights Commission website.

It is not intended to repeat in the Manual all the information found in the Guide as the Guide may be readily obtained directly from the South African Human Rights Commission or from the Commission’s website www.sahrc.org.za

The South African Nursing Council will also procure and make available copies of the Guide in all eleven official languages for perusal at the offices of the Council. The South African Nursing Council may, at its discretion, make copies of the Guide available for removal ONLY if spare copies are available,

You may also request any additional information, to assist you in making a request, from the South African Human Rights Commission at:

Postal address: South African Human Rights Commission; PAIA Unit
Private Bag 2700
Houghton
2041

Human Rights Advice Line: 0860 120 120

Fax: (011) 484 1360

Website: www.sahrc.org.za

5 Records available in terms of other legislation

5.1 Unlimited requestors

Certain legislation mandates the South African Nursing Council to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Companies Act, No. 61 of 1973 any person may have access to specified financial information.

5.2 Limited requestors

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Companies Act, 1973 (Act No. 61 of 1973)
- Compensation of Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- Competition Act, 1998 (Act No. 89 of 1998)
- Consumer Affairs Act, 1999 (Act No. 23 of 1999)
- Credit Agreements Act, 1980 (Act No. 75 of 1980)
- Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- Debt Collectors Act, 1998 (Act No. 114 of 1998)
- Electronic Communications and Transactions Act, 2000 (Act No. 2 of 2000)
- Employment Equity Act, 1998 (Act No. 55 of 1998)
- Firearms Control Act, 2000 (Act No 60 of 2000)
- Income Tax Act, 1962 (Act No. 58 of 1962)
- Insider Trading Act, 1998 (Act No. 135 of 1998)
- Insolvency Act, 1936 (Act No. 24 of 1936)
- Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Magistrates Court Act, 1944 (Act No. 32 of 1944)
- National Health Act, 2003 (Act No. 61 of 2003)

- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)
- Skills Development Act, 1997 (Act No. 97 of 1997)
- Skills Development Levies Act, 1999 (Act No. 9 of 1999)
- South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- Supreme Court Act, 1959 (Act No. 59 of 1959)
- Unemployment Insurance Act, 2001 (Act No. 63 of 2001) and
- Value Added Tax Act, 1991 (Act No. 89 of 1991).

6 Procedure

6.1 Prescribed access form

In order for us to facilitate your access to a record you need to complete the attached [prescribed access form](#). Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their South African identification document or any other legally acceptable means of identification.

PLEASE NOTE: Driver's licenses and temporary identity documents will NOT be accepted as sufficient proof of identity.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- **Reproduction fee:** this fee is payable with respect to all records that are automatically available;
- **Request fee:** this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor him / herself), before the request is considered and is not refundable;
- **Access fee:** which is payable once access to a record is granted, this fee is intended to reimburse the South African Nursing Council for the costs involved in searching and preparing the record for delivery;
- **Deposit:** which is payable if the South African Nursing Council receives a request for access to information about a person other than the requestor himself / herself and where the preparation of the record will take more than six hours.

6.3.1 **Reproduction fees**

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
■ For every photocopy of an A4-size page or part thereof:	1.10
■ 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
■ For a copy in a computer-readable form on -	
○ Diskette:	7.50
○ Compact disc (CD Rom):	70.00
■ For a transcription of visual images, for and A4-size page or part thereof:	40.00
■ For a copy of visual images:	60.00
■ For a transcription of an audio record, for an A4-size page or part thereof:	20.00
■ For a copy of an audio record:	30.00

6.3.2 **Request fee**

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor him / herself.

6.3.3 **Access fee**

The applicable fees (excluding VAT) for access which will be payable are:

	Rand
■ For every photocopy of an A4-size page or part thereof:	1.10
■ 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
■ For a copy in a computer-readable form on -	
○ Diskette:	7.50
○ Compact disc (CD Rom):	70.00
■ For a transcription of visual images, for and A4-size page or part thereof:	40.00
■ For a copy of visual images:	60.00

- For a transcription of an audio record, for an A4-size page or part thereof: 20.00
- For a copy of an audio record: 30.00
- To search for and prepare the record for disclosure, per each hour or part of an hour reasonably required for such search and preparation: 30.00
- Where a copy of the record needs to be posted the actual postage is payable

6.3.4 Deposit

Where the South African Nursing Council receives a request for access to information about a person other than the requestor himself / herself and the Communications Manager is of the opinion that the search for and preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the estimated amount of the applicable access fee is payable.

7 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8 Appeal

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available at this time will be to approach a court of law.

(NOTE: The proposed new Nursing Bill makes provision for a full appeals procedure. When the Bill is passed into law, this section will be reviewed in line with the new legislation.)

9 Structure and classes of records of the South African Nursing Council

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within the South African Nursing Council and their organisational structure.

Further assistance in identifying records held by the South African Nursing Council is obtainable from:

Postal address: **The Communications Manager
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: registrar@sanc.co.za

9.2 Structure of the South African Nursing Council

9.2.1 Profile

The South African Nursing Council is a statutory health council established by the Nursing Act, 1978.

The Council consists of persons elected or appointed in terms of the Nursing Act, 1978 (Act No. 50 of 1978) as amended by among others, the Nursing Amendment Act, 1997 (Act No. 19 of 1997) as follows:

Section 5 (1) (a)

Twelve persons who shall be registered nurses or midwives and who shall be elected by registered nurses and midwives

Section 5 (1) (b)

Three persons who shall be enrolled nurses and who shall be elected by enrolled nurses

Section 5 (1) (c)

Three persons who shall be nursing auxiliaries and who shall be elected by nursing auxiliaries

Section 5 (1) (d)

Eighteen persons who shall be appointed by the Minister (of Health), of whom-

- (i) one shall be a registered nurse who is in the employment of the Department of Health
- (ii) six shall be registered nurses, enrolled nurses or nursing auxiliaries who are not in the employment of the Department of Health
- (iii) two shall be nursing students at nursing colleges or universities who are at least in their third academic year of study
- (iv) nine shall be persons who are not nurses, each representing a province, and who shall be appointed from persons whose names are submitted by those members of the Executive Council of the various provinces who are responsible for health, after nominations have been submitted by members of the public in the various provinces

Section 5 (1) (e)

Three persons appointed by the following bodies:

- (i) one attorney, by the Association of Law Societies
- (ii) one pharmacist, by the Pharmacy Council of South Africa
- (iii) one medical practitioner, by the Health Professions Council of South Africa

9.2.2 Main Business Activities

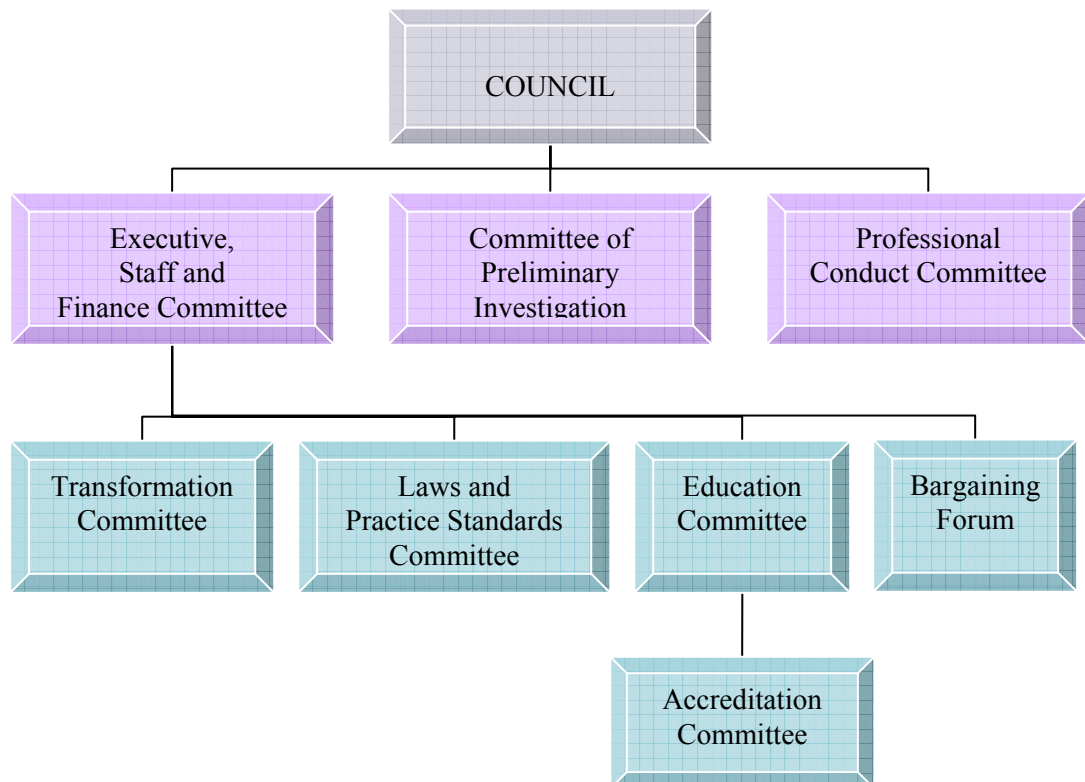
The main purpose of the South African Nursing Council is to protect the public and it does so by:

- Setting and monitoring standards for Nursing Education and Training
- Setting and controlling the standards for Nursing Practice
- Licensing Nurses and Nursing Agencies

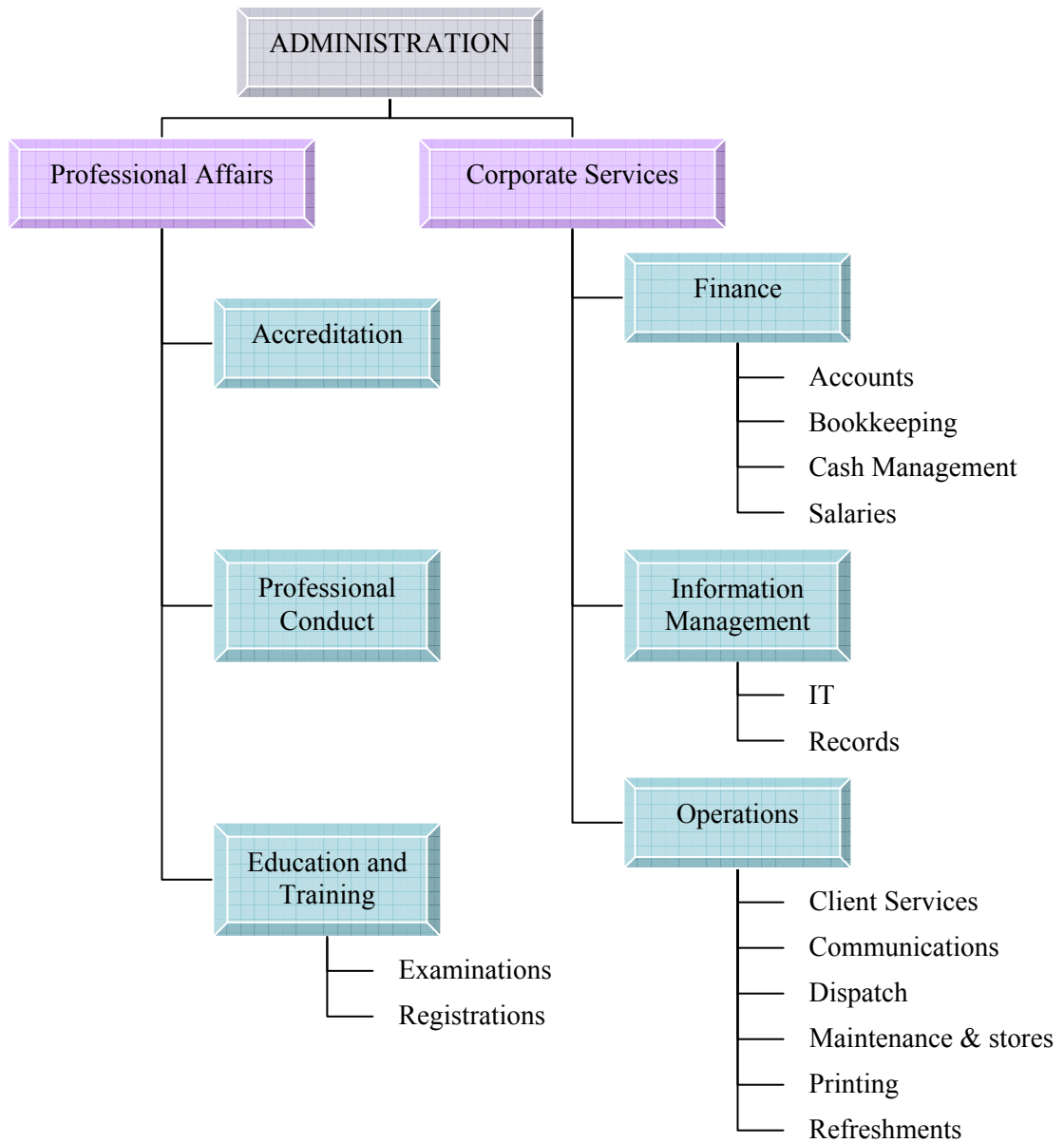
9.2.3 Organogram

The South African Nursing Council consists of two structures, the Council itself and the administration. For clarity, the organizational structure of both structures are given.

Structure of the Council:



Administrative structure:



9.3 Categories and subjects of records

The following tables will assist you in understanding the main categories and the subjects of records kept by the South African Nursing Council in terms of the Nursing Act, 1978.

Accredited Nursing Education Institutions (NEI's):

CATEGORY	SUBJECTS
University NEI's	<ul style="list-style-type: none"> • Name • Contact details • Statistical indicators • Accredited courses • Conditions of accreditation for the NEI as a whole • Conditions of accreditation for courses • Learner statistics • Financial transactions
University of Technology NEI's	
Technical Colleges NEI's	
Institutes of Nursing	
Nursing Colleges	
Hospital Nursing Schools	
Mine Nursing Schools	
Mission Nursing Schools	

This information is also retained in respect of formerly accredited NEI's.

Nursing Agencies:

CATEGORY	SUBJECTS
Nursing Agencies	<ul style="list-style-type: none"> • Name • Contact details • Statistical indicators • Licence details • Members on panel

This information is also retained in respect of formerly licenced Nursing Agencies.

Learners (pursuing Nursing as a career):

CATEGORY	SUBJECTS
Pupil nursing auxiliaries (and former pupil n/auxiliaries)	<ul style="list-style-type: none"> • Personal details • Contact details • Statistical indicators • Name of NEI • Training start and end dates • Examination results for Council examinations • Financial transactions
Pupil nurses (and former pupil nurses)	
Student nurses (and former student nurses)	

Qualified Nurses:

CATEGORY	SUBJECTS
Enrolled nursing auxiliaries (including those removed)	<ul style="list-style-type: none"> • Personal details • Contact details • Statistical indicators • Nursing qualifications / capacities: <ul style="list-style-type: none"> ○ Name of qualification / capacity ○ Date registered / enrolled ○ Certificate number • Financial transactions • Registration / enrolment status • Annual licences to practise • Records of professional conduct matters: <ul style="list-style-type: none"> ○ Complaints ○ Investigations ○ Hearings ○ Findings ○ Sentences
Enrolled nurses (including those removed)	
Enrolled midwives (including those removed)	
Registered nurses (including those removed)	
Registered Midwives (including those removed)	
Registered Assessors (and former assessors)	

Further information and assistance

Further information regarding the subjects and categories or records listed here are available from:

Postal address: **The Communications Manager
South African Nursing Council
P O Box 1123
Pretoria
0001**

Physical address: **602 Pretorius Street
Arcadia
Pretoria
0083**

Telephone: **(012) 420-1000**

Fax: **(012) 343-5400**

E-mail: registrar@sanc.co.za

At the time of publication of the current version of the Manual (August 2005), the Communications Manager is:

Name: **Ms O Hlongwane**

E-mail: ohlongwane@sanc.co.za

10 Useful references

Websites

The Human Rights Commission	http://www.sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf
The South African Nursing Council website	http://www.sanc.co.za

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**Annexure A
Prescribed form for access to a record of the
South African Nursing Council**

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

[Regulation 10]

FOR OFFICE USE:

Reference number:

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF COMMUNICATIONS MANAGER OR HIS/HER DEPUTY

A. Particulars of public body

The communications manager:

Postal address: South African Nursing Council
P O Box 1123
Pretoria
0001

Physical address: 602 Pretorius Street
Arcadia
Pretoria
0083

Telephone: (012) 420-1000

Fax: (012) 343-5400

E-mail: registrar@sanc.co.za

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Postcode: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf 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: _____

Identity number: _____

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: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

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 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 from payment of fees: _____

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
-------------	-----------------------------------

<p><i>Mark the appropriate box with an "X".</i></p> <p>NOTES:</p> <p><i>(a) Your indication as to the required form of access depends on the form in which the record is available.</i></p> <p><i>(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.</i></p> <p><i>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i></p>

1. If the record is in written or printed form -			
	copy of record*		inspection of record

<p>2. If record consists of visual images -</p> <p><i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)</i></p>					
	view the images		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">copy of the images*</td> <td style="width: 50%; padding: 5px;">transcription of the images*</td> </tr> </table>	copy of the images*	transcription of 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* (diskette or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Please note that postage is payable.</p>	YES	NO
---	-----	----

<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>
In which language would you prefer the record?

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: _____

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

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 thereof 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 of _____ 20____
(place) (day) (month) (year)

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE