

BOARD NOTICE 73 OF 2021

**South African
Pharmacy Council**
www.sapc.za.org

**PROMOTION OF ACCESS TO INFORMATION MANUAL IN TERMS
OF SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2 OF 2000**

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1. THE STRUCTURES AND FUNCTIONS OF THE SOUTH AFRICAN PHARMACY COUNCIL

The South African Pharmacy Council (SAPC) is an independent statutory body established in terms of Section 2 of the Pharmacy Act, 53 of 1974 (Pharmacy Act), to regulate the pharmacy profession, which includes pharmacists, pharmacy support personnel and pharmacies. The SAPC is vested with the object and function of its statutory powers and embraces as its objectives those outlined in the Pharmacy Act.

2. STRUCTURE OF COUNCIL

2.1 Council¹

The SAPC is representative of the pharmacy profession and consists of 25 members:

- (a) 9 pharmacists, elected by pharmacists;
- (b) 9 pharmacists nominated by the Members of the Executive Council in each province, and appointed by the Minister of Health;
- (c) an officer of the Department of Health appointed by the Minister of Health;
- (d) 2 pharmacists who are employed at universities approved by the SAPC to provide education and training of pharmacists, appointed by the Minister of Health;
- (e) 1 member appointed by the Minister of Health due to his/her legal experience and knowledge; and
- (f) 3 other persons appointed by the Minister of Health.

The members of the SAPC hold office for a period of five years and shall be eligible for reappointment or re-election for one additional term.

¹ Section 5 of the Pharmacy Act, 53 of 1974

2.2 Committees of Council²

The following Committees are elected by the SAPC from the Council Members:

- (a) The Executive Committee of Council;
- (b) Practice Committee;
- (c) Education Committee;
- (d) Pre-Registration Committee;
- (e) Continuing Professional Development and Registration Committee;
- (f) Health Committee;
- (g) Committee of Preliminary Investigation;
- (h) Committee of Informal Inquiries;
- (i) Committee of Formal Inquiries;
- (j) Audit Committee;
- (k) Bargaining Committee;
- (l) Pension Fund Trustees; and
- (m) Remuneration and Reimbursement Committee

2.3 Administration

The Administration, headed by the Registrar/CEO, is responsible for the administration of the Council. The Registrar/CEO is assisted by the Executive Management:

- (a) The Chief Operating Officer; and
- (b) Chief Financial Officer.

The following Departments assist with the administration of the Council and the Committees of Council:

- (a) Corporate Services Department;

² Committees of Council are established in terms of Section 4(o) of the Pharmacy Act, the *Regulations relating to the appointment and business of office bearers and committees of council, meeting procedures and the manner in which the accounts of the council shall be kept* (GNR 215, published on 3 February 1978), *Regulations relating to Continuing professional development* (GNR. 668, published on 17 May 2019), *Regulations relating to the management of a person registered in terms of the Pharmacy Act, 53 of 1974, unfit to practice for reasons other than unprofessional conduct* (GNR.1159, published on 20 November 2000), *Regulations relating to the conduct of inquiries in terms of Chapter V of the Pharmacy Act, 53 of 1974* (GNR 496, published on 8 June 2001)

- (b) Professional Affairs Department - comprising of the Practice, Education, Pre-Registration, and Registration and Continuing Professional Development Units, headed by 4 Senior Managers;
- (c) Professional Conduct Department, headed by the Senior Manager;
- (d) Communications and Stakeholder Relations Department, headed by the Senior Manager;
- (e) Human Resources Department, headed by the Senior Manager;
- (f) Finance Department, headed by the Chief Financial Officer; and
- (g) Information Technology Department headed by the Senior Manager.

3. OBJECTS AND FUNCTIONS OF COUNCIL³

In terms of the Pharmacy Act, the SAPC's objects and functions are to:

- (a) assist in the promotion of the health of the population of the Republic of South Africa;
- (b) advise the Minister of Health or any other person on any matter relating to pharmacy;
- (c) promote the provision of pharmaceutical care which complies with universal norms and values, in both the public and private sectors, with the goal of achieving definite therapeutic outcomes for the health and quality of life of a patient;
- (d) uphold and safeguard the rights of the general public to universally acceptable standards of pharmacy practice in both the public and private sectors;
- (e) establish, develop, maintain and control universally acceptable standards for:
 - (i) pharmaceutical education and training;
 - (ii) the registration of a person who provides one or more or all of the services which form part of the scope of practice of the category in which such person is registered;
 - (iii) the practice of the various categories of persons required to be registered in terms of the Act;
 - (iv) the professional conduct required of persons registered in terms of the Act; and
 - (v) the control of persons registered in terms of the Act by investigating in accordance with the Act complaints or accusations relating to the conduct of registered persons;

³ Section 3 of the Pharmacy Act, 53 of 1974

- (f) promote transparency to the profession and the general public in achieving its objectives, performing its functions, and executing its powers;
- (g) maintain and enhance the dignity of the pharmacy profession and the integrity of persons practising the profession;
- (h) coordinate the activities of Council and its committees, give guidance to the Office of the Registrar, and provide oversight on risk management and financial controls;
- (i) improve internal efficiency and effectiveness through improved customer care relations and service delivery, and investigation of alternative sources of funds; and
- (j) build a pipeline of highly skilled staff to meet the Council's mandate through training, implementation of performance management and retention of key personnel.

4. CONTACT DETAILS OF THE SAPC AND THE INFORMATION OFFICER

4.1 OFFICE OF THE SAPC

Physical Address	591 Belvedere Street Arcadia 0183
Postal Address	Private Bag X40040 Arcadia 0007
Telephone	012 319-8500
Website	www.sapc.za.org
Email	registrar@sapc.za.org customercare@sapc.za.org

4.2 INFORMATION OFFICER

Name	Mr Vincent Tlala
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Designation	Registrar/CEO
Physical Address	591 Belvedere Street Arcadia 0183
Postal Address	Private Bag X40040 Arcadia 0007
Telephone	012 319-8501/2
Fax	0865098501
Email	registrar@sapc.za.org

4.3 DEPUTY INFORMATION OFFICER

Name	Ms Debbie Hoffmann
Designation	Company Secretary & Legal Services
Physical Address	591 Belvedere Street Arcadia 0183
Postal Address	Private Bag X40040 Arcadia 0007
Telephone	012 319-8506
Fax	0865063010
Email	debbie.hoffmann@sapc.za.org

5. THE HUMAN RIGHTS COMMISSION GUIDE IN TERMS OF SECTION 14(1)(c) OF PAIA

Section 10 of the Promotion of Access to Information Act, 2 of 2000, imposes a duty on the Human Rights Commission to *“compile in each official language a guide containing such information in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in the Act”*.

The guide is available from the South African Human Rights Commission⁴. The SAHRC Guide contains the following information:

- (a) The objects of the PAIA;
- (b) Particulars of the information officer of every public office;
- (c) Particulars of every private body as are predictable;
- (d) The manner and form of a request for access to information held by a body;
- (e) Assistance available from both the information officers and the Human Rights Commission in terms of PAIA;
- (f) All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and court application;
- (g) Schedules of fees to be paid in relation to requests for access to information;
- (h) Regulations made in terms of the PAIA.

A guide to PAIA (as contemplated under Section 10 of the PAIA) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. Any enquiries regarding this guide and its contents should be directed to the SAHRC, the contact details of which are as follows:

Human Rights Commission: Promotion of Access to Information Act Unit

Postal Address

Private bag 2700
Houghton
2041

Telephone

(011) 484 8300

⁴ <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

Fax (011) 484 0582

Website www.sahrc.org.za

Email PAIA@sahrc.org.za

6. RECORDS HELD BY THE SAPC

“Records” shall mean records in the possession or under the control of the SAPC, which are created or received in the course of official business and which are kept as evidence of the SAPC’s functions, activities and transactions. Records may be created or received in different forms of media, e.g. paper or electronic⁵

7. RECORDS THAT WILL BE MADE AVAILABLE SUBJECT TO A FORMAL REQUEST

The SAPC holds the following categories of records and records held on each subject:

7.1 Corporate Services Department

- (a) Charter for Councillors;
- (b) Election and appointment of Council members;
- (c) Policies of the SAPC pertaining to Council and Committees;
- (d) Agendas and minutes of the meetings of Council;
- (e) Agendas and minutes of the Executive Committee of Council;
- (f) Strategic Plan for Council;
- (g) Operational Plans for the Office of the Registrar;
- (h) Risk Registers and related reports;
- (i) Internal Audit Reports;
- (j) Three-Year Internal Audit Plan;
- (k) Internal Audit Charter; and
- (l) Schedule of Memoranda of Understanding with external parties.

⁵ Section 1, Definition of “record”, Promotion of Access to Information Act, 2000

7.2 Finance Department

- (a) Policies of the SAPC pertaining to matters of a financial nature;
- (b) Cash books and reconciliation statements;
- (c) General Ledgers;
- (d) Trial Balances;
- (e) Bank Statements;
- (f) Electronic Funds Transfer (EFT) batches and bank correspondence;
- (g) Deposit slips, where applicable;
- (h) Statements of accounts of persons and providers registered with the SAPC;
- (i) Statutory Returns;
- (j) Customer Invoices and Receipts;
- (k) Aged Accounts Receivable Lists;
- (l) Purchase Orders and Delivery Notes;
- (m) Aged Accounts Payables Lists;
- (n) Payment Vouchers;
- (o) Fixed Assets Register;
- (p) Insurance Policies;
- (q) Budget, including quarterly budget reports;
- (r) Charter of Audit Committee;
- (s) Agendas, source documents and minutes of the Adjudicating Committee;
- (t) Agendas, source documents and minutes of the Tender Committee;
- (u) Agendas, source documents and minutes of the Audit Committee;
- (v) Rules of the SAPC Pension Fund; and
- (w) Agendas, source documents and minutes of the Pension Fund.

7.3 Legal Services Department

- (a) Policies related to Legal Services;
- (b) Maintenance of the terms of reference of committees and task teams;
- (c) Record of all litigation matters;
- (d) Contracts and Service Level Agreements;
- (e) Comments provided by SAPC to proposed legislation;
- (f) Comments received by the SAPC in terms of stakeholder consultation;
- (g) Agenda and minutes of task teams of Council;
- (h) Applications and records of Certificates of Good Standing;
- (i) Applications and records of proof of registration certificates;

- (j) Internal legal opinions provided to the SAPC; and
- (k) External legal opinions obtained by the SAPC.

7.4 Professional Affairs Department: Education Unit

- (a) Applications for a provider of the Bachelor of Pharmacy course/learning programme;
- (b) Applications for a provider of continuing professional development courses/short courses;
- (c) Applications for a provider of supplementary training course;
- (d) Applications for a provider of courses/learning programmes for pharmacy support personnel;
- (e) Submitted course materials/learning programmes for accreditation;
- (f) Completed Accreditation/monitoring visit instrument – HEQSF and OQSF (Self-evaluation);
- (g) Applications for the registration of students and learners;
- (h) Applications for the restoration of students and learners;
- (i) Applications for registration of pharmacist's assistants in the category learner basic and learner post-basic
- (j) Applications for restoration of pharmacist's assistants in the category learner basic and learner post-basic;
- (k) Applications for recognition of foreign curricula;
- (l) Reports of accreditation and monitoring visits of providers;
- (m) Agenda and minutes of meetings of Education Committee;
- (n) Agenda and minutes of meetings of task teams of the Education Committee;
- (o) Agenda and minutes of meetings of Heads of Schools;
- (p) Agenda and minutes of meetings of Skills Development Providers;
- (q) Development of Good Education Standards;
- (r) Policies of the SAPC pertaining to the Education Unit;
- (s) Reports of evaluators of courses/learning programmes;
- (t) Reports from providers responding to the accreditation/monitoring visits;
- (u) Verifiers reports (for accreditation/monitoring visits and RPL applications);
- (v) Reports of the evaluators of curricula from foreign institutions;
- (w) Records of progress reports for Pharmacist's Assistants in the category Learner (Basic) and Learner (Post-Basic);

- (x) Records of monitoring, training and management of evaluators of course/learning programmes and panel members for accreditation/monitoring visits;
- (y) List of evaluators of courses/learning programmes; and
- (z) List of monitoring visit panel members.

7.5 Professional Affairs Department: Practice Unit

- (a) Applications for pharmacy licences (shared with the National Department of Health);
- (b) Applications for the recording of pharmacy licences;
- (c) Applications for registration of responsible pharmacist;
- (d) Applications for the approval of premises for training;
- (e) Applications for change of trading title of pharmacy;
- (f) Applications for another business in a pharmacy;
- (g) Applications for internal changes within a pharmacy;
- (h) Applications for remote automatic dispensing units and automatic dispensing units;
- (i) Applications for the closure of pharmacies;
- (j) Applications for primary healthcare clinics and satellite pharmacies;
- (k) Applications for the recording of PCDT pharmacists;
- (l) Applications for permits in terms of Section 22A(15) of the Medicines Act;
- (m) Referrals to the Director-General for the removal of pharmacy licences;
- (n) Registration and Recording Certificates;
- (o) Inspection reports;
- (p) Improvement plans for pharmacies;
- (q) Records of monitoring, training and management of Inspectors;
- (r) Agendas and minutes of meetings of the Practice Committee;
- (s) Agendas and minutes of meetings of the task teams of the Practice Committee;
- (t) Agendas and minutes of meetings of the Heads of Pharmaceutical Services, which includes provincial stakeholders, individual pharmacy groups, associations and other national stakeholders;
- (u) Development of standards in respect of the *Rules relating to Good Pharmacy Practice*; and
- (v) Policies of the SAPC pertaining to the Practice Unit.

7.6 Professional Affairs Department: Pre-Registration Unit

- (a) Applications for the registration of pharmacist interns, including the applications to review registration date;
- (b) Application for the registration of pharmacy technician trainee, including the application for review of registration date;
- (c) Application for registration of pharmacy technician;
- (d) Application for specialist trainee;
- (e) Certificates of registration;
- (f) Interns and Tutor Manual;
- (g) Pharmacy support personnel manual;
- (h) Pharmacist intern contracts;
- (i) Pharmacy technician trainee contracts;
- (j) Records of progress reports;
- (k) Applications for cessions of interns' contracts;
- (l) Application for cessions of pharmacy technician trainee's contracts;
- (m) Applications for pre-registration examinations;
- (n) Applications for remark/review of examinations;
- (o) Bookings for intern workshops;
- (p) Blueprint for examinations;
- (q) Pre-registration examination papers;
- (r) Results of pre-registration examinations;
- (s) Applications for the registration of persons with foreign qualifications;
- (t) Applications for professional examinations;
- (u) Professional examinations papers;
- (v) Results of professional examinations;
- (w) Brochure for persons with foreign qualifications;
- (x) Study guide for professional examinations;
- (y) Application for registration of Bachelor of Pharmacy graduates as pharmacist's assistant (post-basic);
- (z) Contracts for examiners and moderators;
- (aa) Moderation reports for examinations;
- (bb) Agendas and minutes of meetings of Pre-Registration Committee;
- (cc) Agendas and minutes of meetings of Examination Task Teams; and
- (dd) Policies, guidelines, criteria of the SAPC pertaining to the Pre-Registration Unit.

7.7 Professional Affairs Department: Registration and Continuing Professional Development (CPD) Unit

- (a) Applications for registration of community service pharmacists, including the applications to review registration date;
- (b) Applications for registration of pharmacist;
- (c) Applications for registration of pharmacist's assistants (qualified);
- (d) Applications for specialist pharmacists;
- (e) Applications for registration of assessors;
- (f) Applications for registration of moderators;
- (g) Applications for registration of tutors;
- (h) Applications for change of facility of community service pharmacists;
- (i) Applications for registration of supplementary training;
- (j) Erasure of persons;
- (k) Applications for restoration of persons;
- (l) Applications for duplicate certificates;
- (m) Applications for review of CPD activities;
- (n) Applications for deferment of CPD requirements;
- (o) Certificates of Registration;
- (p) Records of CPD activities;
- (q) Appointment of assessors and moderators of CPD activities submitted by pharmacist interns;
- (r) Agendas and minutes of meetings of assessors and moderators of CPD activities submitted by pharmacist interns;
- (s) Agendas and minutes of the meetings of CPD and Registration Committee;
- (t) Agendas and minutes of the meetings of the Health Committee; and
- (u) Policies of the SAPC pertaining to the CPD and Registration Unit.

7.8 Professional Conduct Department

- (a) Complaints received in terms of Chapter V of the Pharmacy Act;
- (b) Information gathered during the investigation and the adjudication of complaints, including inspection reports, charge sheets and recommendations to the committees;
- (c) Record of proceedings of Committee of Preliminary Investigation, Committee of Informal Inquiries and Committee of Formal Inquiries; and

- (d) Outcomes of Professional Conduct cases, where such outcomes are not published in terms of Section 45(2) of the Pharmacy Act.

7.9 Communications and Stakeholder Relations Department

- (a) Policies of the SAPC pertaining to communications and stakeholder relations;
- (b) Media reports;
- (c) Project Plan and reports related to the organisation of National Pharmacy Conferences;
- (d) Nominations received in respect of National Pharmacy Pioneer Awards; and
- (e) Agendas and Minutes of Awards Adjudication Committee.

7.10 Human Resources Department

- (a) Employee Contracts;
- (b) Policies of the SAPC pertaining to matters relating to Human Resources;
- (c) Employment Equity Plan;
- (d) Occupational Health and Safety Plan;
- (e) Employee Wellness records;
- (f) Salary records;
- (g) Leave records;
- (h) Performance management records;
- (i) Disciplinary Code;
- (j) Disciplinary records;
- (k) Training Manuals;
- (l) Training Records;
- (m) Agendas and Minutes of the Bargaining Committee;
- (n) Agendas and Minutes of the Remuneration and Reimbursement Committee;
and
- (o) Collective Agreements with labour.

7.11 Information Technology Department

- (a) Policies of the SAPC pertaining to the Information Technology;
- (b) Disaster Management Records; and

- (c) SAPC Software Development Proprietary Information and software Licences.

8. RECORDS THAT ARE AVAILABLE WITHOUT FORMAL REQUEST

The following records are available without any formal request and may be accessed on the SAPC website (www.sapc.za.org):

- (a) Registers of the SAPC;
- (b) Legislation of the SAPC, including the Pharmacy Act, Regulations, Rules and Board Notices;
- (c) Proposed legislation for comment;
- (d) Guidelines issued by the SAPC;
- (e) Annual Reports;
- (f) Audited financial statements;
- (g) Pharmaciae;
- (h) Press/Media releases;
- (i) Procedures for lodging complaints;
- (j) News bulletins issued to registered persons;
- (k) Patient Rights and Responsibilities posters;
- (l) Inspection questionnaires;
- (m) Self-inspection questionnaires; and
- (n) General information brochures.

9. ACCESS TO RECORDS AND PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

9.1 Access Given

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in **Annexure A** hereto. These forms are available from:

- (a) The SAPC Deputy Information Officer;
- (b) The SAPC website (www.sapc.za.org); or
- (c) The SAHRC.

Records held by the public body may be accessed on request only once the requirements for request for access have been met.

A requester in terms of the Act means:

- (a) any person making a request for access to a record of that public body; or
- (b) a person acting on behalf of the person referred to in subparagraph (a).

The Act distinguishes between two types of requesters:

- (a) **Personal Requester:** a requester who is seeking access to a record containing personal information about the requester themselves. Subject to the provisions of the Act and applicable law, SAPC will provide the requested information, or give access to any record regarding the requester's personal information;
- (b) **Other Requester:** a requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the SAPC is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act and any other applicable law.

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained herein. You may be required to pay the additional fees prescribed by regulation for searching for and compiling the information, which you have requested, including copying charges.

9.2 Form of Request

The request must be in writing on the prescribed form, attached as **Annexure A**, and be forwarded to the Information Officer.

The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- (a) The record or records requested;

- (b) The identity of the requester;
- (c) What form of access is required; and
- (d) The postal, electronic mail address or fax number of the requester.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. The requester must also provide an explanation as to why the requested record is required to exercise or protect that right.

The application form must be accompanied by the prescribed request fees.

If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the offices, would damage the record, or infringe on copyright not owned by the SAPC.

If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. by telephone/fax/email, in addition to a written reply, it must be indicated as such. In cases where the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated.

When a requester is unable to read or write, or has a disability, the request can be made orally. In such a case, the Information Officer must complete the form on behalf of the requester.

9.3 Fees Payable

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 must pay the relevant request fee.

The Information Officer will notify the requester to pay the prescribed fee before further processing the request.

The **request fee** payable by every requester, other than a personal requester, referred to in Regulation 7(2) of the Act is **R35,00**⁶.

The reproduction/ access fees are as follows:

- (a) The manual: For every photocopy of an A4-size page or part thereof. Also, any other A4-size photocopy **R0,60**;
- (b) Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form **R0,40**;
- (c) For a copy in a computer-readable form on compact disc **R40,00**;
- (d) For a copy of visual images **R60,00**;
- (e) For a transcription of visual images, for an A4-size page or part thereof **R22,00**;
- (f) For a transcription of an audio record for an A4-size page or part thereof **R12,00**;
- (g) For a copy of an audio record **R17,00**.

To search for and prepare the record for disclosure, **R15,00** for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.

For any request that would require more than six hours to access or to prepare for disclosure, one-third of the access fee is payable as a deposit by the requester.

The actual postage is payable by the requester when a copy of a record must be posted.

9.4 Decision and Time Frames

The SAPC will process a request within the required time as prescribed in the Act, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.

⁶ Persons who earn less than R14 712 per annum or R27 192 (when such person is married or in a life partnership) are exempt from paying fees in terms of PAIA.

The requester shall be informed in writing whether access has been granted or denied. If the requester requires the reasons for the decision in any other manner, he or she must state in writing the manner and the particulars required.

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 the Information Officer.

Upon receipt of the request, where applicable, the Information Officer will inform any third party affected by the request, within 21 days of receipt of the request. The third-party must inform the Information Officer why such information should not be made available to the requester within a specified period.

The SAPC shall, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which SAPC has to decide whether to grant or refuse a request may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another place other than the office of the SAPC and the information cannot reasonably be obtained within the original 30-day period. The Information Officer shall notify the requester in writing should an extension be necessary.

9.5 Records not found / Does not exist

In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer will by means of an affidavit inform the requester, giving full reasons.

9.6 Deferral of Access

Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations within thirty (30) days as to why the information is required prior to it becoming public.