



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

ANNELET PRINSLOO MUSIC THERAPIST DOCUMENT RETENTION POLICY & DATA RECORD- AND DESTRUCTION TEMPLATES

Contents

1. Purpose of this policy	3
2. PART A: General rules for filing, archiving & retention of personal information.....	3
3. PART B: Template for document archiving or destruction	5
4. PART C: How long information is to be kept.....	7
4.1. Constitutional legislation: PAIA (Promotion of Access to Information Act 2 of 2000) 7	
4.2. Constitutional legislation: POPI Act	8
4.3. Health legislation: National Health Act 61 of 2003 & Regulations issued thereunder	10
4.4. Health Legislation: Health Professions Act 56 of 1974, Ethical Rules & Booklets.....	11
4.5. Health legislation: Medical Schemes Act 121 of 1998.....	13
4.6. Occupational health legislation: Compensation for Occupational Injuries and Disease Act 130 of 1993	13
4.7. Consumers / Patients: Consumer Protection Act 68 of 2008.....	15
4.8. Consumers / Patients: National Credit Act 34 of 2005	16
4.9. Business legislation: Broad-based Black Economic Empowerment Act 53 of 2003, the Code of Good Practice, 2013	16
4.11. Business: Competition Act 89 of 1998	18
4.12. Business legislation: Electronic Communication and Transactions Act 25 of 2002 (“ECTA”).....	19
4.13. Finance: Tax Administration Act 28 of 2011	21
4.14. Finance: Income Tax Act 58 of 1962	21
4.15. Finance: Value Added Tax Act 89 of 1991	22
4.16. Finance: Financial Intelligence Centre Act 38 of 2001 (“FICA”).....	22
4.17. Finance: Insolvency Act 24 of 1936.....	23
1 FRAMEWORK & POLICY ON THE PROTECTION OF PERSONAL INFORMATION ACT 04 OF 2013	



Annelet Prinsloo

BDram
BMus Hons Music communication
MMus Music Therapy
HPCSA nr: AT0001430
Practice Number: 0931136
Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.18. Finance: Prescription Act 68 of 1969	23
4.19. Labour legislation: Basic Conditions of Employment Act 75 of 1997 and the regulations (*18) thereto	24
4.20. Insurance: Short-term Insurance Act 53 of 1998	25
5. PART D: Contract retention and management	26



Annelet Prinsloo

BDram

BMus Hons Music communication

MMus Music Therapy

HPCSA nr: AT0001430

Practice Number: 0931136

Sel: 0826310238

Annelet@animation.co.za

www.animation.co.za

1. Purpose of this policy

The purpose of this document is to provide Annelet Prinsloo Music Therapy with guidelines for document retention, based on the requirements of legislation and other policies.

The Protection of Personal Information Act, 2013, requires of responsible parties (i.e. this Practice) that process personal information, to only keep information “no longer than is necessary... to achieve its purpose”(*1), or:

- As is required or authorized by law;(*2)
- As is required by a contract;(*3)
- As consented to by the data subject.(*4)

Due to various legislative requirements, documents must be retained for a certain number of years, and in some cases in a particular format, and subject to prescribed criteria. Document retention also relates to the requirement that documents are accurate, up-to-date and not susceptible to unauthorised access, destruction, or abuse.

This Policy contains the general and specific rules relating to document retention for the personal information held by the Practice.

- A. General Practice Policy on Filing, Retention, Archiving & Destruction
- B. Record-keeping system for archiving and destruction of information
- C. Retention periods by legislation: Detail how and for how long the practice have to securely store that information, with reference to specific laws
- D. Retention periods of contracts, etc.

*1 Section 14(1).

*2 Section 14(1)(a).

*3 Section 14(1)(b).

*4 Section 14(1)(c).

2. PART A: General rules for filing, archiving & retention of personal information

[Note the details below in the table can be more specific, depending on the complexity in a practice. For example, there may be a shared drive with only certain staff having access to it, or some cloud storage system with access control, or only a hard copy system.]



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

This Practice archives documents when half of its retention period has been achieved, or when storage (electronic and/or in hard copy) becomes impossible. The Practice's Information Officer Annelet Prinsloo will oversee the filing, archiving and destruction of information.

All archiving & destructions are recorded in a designated file and signed by the person responsible for the destruction. Where destruction is undertaken by a third party, such party will issue a certificate to that effect, in the event that the records are requested or required under the PAIA at a future date.

GENERAL RULES FOR RETENTION, ARCHIVING & DESTRUCTION

Document /database	Doc / database reference (insert ref if doc ref system is used, e.g. EmpCon2020/12/03 or Fin/Inv234 or...)	Retention	Start Date for retention	Archive date	Destruction date	Destruction override (e.g. legal process, query, complaint, possible evidence)	Destruction method	Destruction by (insert name; designation)
Employment contracts	Filed on backed-up computer of practiceowner only, hard copy in locked file cabinet	5 years	From date of resignation / termination	Never for electronic version ; hard copy to Metrofile 2 years after contract entered into	Year 6 after termination of employment	Retention period will be extended if pending legal process or dispute by employee	Deletion from electronic database, hard copy retrieved from Metrofile and shredded	Practice owner, A Prinsloo
Patient files (adults of	Hard copy with patient numbering system starting	6 years	Date of last visit	Hard copy to Metrofile after	Year 7 after last visit	File to be kept for as	Shredded from	Practice owner, A Prinsloo



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

<i>sound mind, and with no possible legal issue)</i>	<i>with surname letter & file nr with date of when first patient: Fo_LJR/1988-12-03 Hard copies, scanned in when pt no longer active in practice or notified that. moved away</i>			<i>patient not at practice for 3 years</i>		<i>long as any complaint at HPCSA or another forum.</i>	<i>Metrofile</i>	
--	---	--	--	--	--	---	------------------	--

3. PART B: Template for document archiving or destruction

This table must be used by all staff to record specific instances of archiving and destruction, which must then be recorded as follows:

CONSOLIDATED RECORD OF ARCHIVING OR DESTRUCTION OF DOCUMENTS						
Specific Document or group of documents	Doc / database reference (or...)	Archive / Destruction date	Reason for archiving / destruction (please refer to Parts A and C - table on general rules of retention, archiving and	Destruction override (e.g. legal process, query, complaint, possible evidence)	Destruction / Archiving method & place	Archiving / Destruction by (insert name; designation)



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

			destruction AND the specific retention rules set by law and retention periods)			
<i>E.g. All inactive patient files for period Jan 2014 – Dec 2017</i>	<i>Pat-files</i>	<i>31 Jan 2021</i>	<i>Archiving: Practice Policy allows archiving 3 years after patient inactive in practice; ensure that archiving will keep for remainder of period as set by HPCSA (6 years in total)</i>	<i>N/a as no destruction before lapse of 6 years</i>	<i>Metrofile storage, files picked up by Metrofile but packed by staff</i>	<i>Administrative clerk, Mr F Ile</i>
<i>Mr PR Oblem Employment Contract</i>	<i>Shared drive & HR cupboard</i>	<i>28 Feb 2021</i>	<i>Destruction: 5 years after employment contract terminated</i>	<i>No override as no CCMA or other issue pending</i>	<i>Document deleted from electronic database and hard</i>	<i>Practice manager, Ms AB Cee</i>



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

					<i>copy shredded</i>	
--	--	--	--	--	----------------------	--

4. PART C: How long information is to be kept

4.1. Constitutional legislation: PAIA (Promotion of Access to Information Act 2 of 2000)

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained	Comments
All requested documents that cannot be found / do not exist	S55	Irrespective, if. lost or does not exist, affidavit by IO that doc could not be found or does not exist	n/a	Investigate if practice rules were followed
Health records requested and knowledge of which could cause harm to requester	S61	As per HPCSA rules, or if also financial, as per financial legislation, disclosure however made to person nominated by patient whose records it is	As per HPCSA (can be certified copies) or specific financial legislation	-
All personal information of persons deceased for longer than 20 years	S1	Can be retained, subject to specific legislation, but no longer "personal" 20 years after date of death	Not subject to any privacy rules	Not subject to any privacy rules
All documents listed in PAIA Manual	S3	Can be potentially requested and	As per specific law /	-



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animotion.co.za
www.animotion.co.za

		accessed. Should be retained to ensure access, as per law, consent or contract	contract / consent	
Documents identified in PAIA Manual as subject to automatic access	S52	Documents must be retained as per specific rules, and removed from PAIA manual list once no longer available	As per specific law / contract / consent	-

4.2. Constitutional legislation: POPI Act

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained	Comments
All documents	S9, s10	Consent, contract and/or notification to include periods of retention and destruction	-	Include retention & destruction periods into all relevant documents
All documents	S14	Retention of record / database must always be stipulated	Depending on record	As stipulated
Historical, statistical, research data (anonymized)	S14(2)	Can be retained for longer, provided that used for no other purpose (e.g. marketing, vigilance, etc.)	Depending on record	Indicated on specific database as historical, etc. with timeframe and identifiers removed



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

Deletion or destruction of a record	S14(4)	Must destroy / delete when no longer needed, as per stipulated / agreed periods or upon completion of a task	See Part A & B of this Policy	-
Requested deletion or destruction (request by person or persons whose personal information is / was processed)	S14(5); reg 3	If permissible (e.g. if. not against statutory retention period), person uses POPI Regs prescribed Form 2.	None	No original and no copy should be in existence, electronically or in hard copy
Documents / databases created from previous information	S13, s15	New consent or contract must set new retention period or law must be followed that sets retention period, if retention was not originally set	Depending on record	
Documents / databased allegedly processed unlawfully, is inaccurate, or destruction or deletion is opposed	S6 and s7	Retain until matters are resolved and then retain as required, amend or destroy / delete	Retain as per specific retention period.	



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.3. Health legislation: National Health Act 61 of 2003 & Regulations issued thereunder

Practice deals with patient information relating to a number of its brands as it supplies products directly to consumers / customers. This information includes clinical information, and as such constitutes a “health record”.

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Health records (incl notes from call centre, nurses, scheme motivations, etc.) and irrespective of held by Practice or an operator	S13	Record must be created and maintained. No regs yet as to duration of retention. Follow HPCSA rules. References Archives Act, but which only applies to records of “enduring value”, which records are transferred to the National Archive after 20 years, i.e. suppose 20 year retention.	Not stipulated
Health records used for training, research	S16	If no individual details, no consent and keep as long as needed	Copies
Health record changes & destruction	S17	Offence to not maintain and to destroy records unauthorized.	Originals & copies
COVID-19 and other notifiable conditions	2017 Regs	Not prescribed, but as other health records (see below) and must be shared with regulators (NICD)	Not stipulated
Cancer diagnosis	2011 Regs, Annexure A	Practice owner must report confirmed cancer diagnosis to NICD, must set up control	Not stipulated



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

		measures to prevent unauthorized access. Assumes retention but not prescribed.	
--	--	--	--

4.4. Health Legislation: Health Professions Act 56 of 1974, Ethical Rules & Booklets

The ethical rules and those contained in the Booklets are binding and a violation thereof could render professionals liable for charges of unprofessional or unethical conduct to section 41 of the Act. It also provides the best practice guideline for health record retention, in the absence of regulations being issued under section 13 of the National Health Act.

Applicable document(s) / databases	Section / Reg / Clause-Booklet,(*5) Ethical Rule (ER) nr	Period of retention	Original or copy to be retained
All health records	ER15	All retained records must be signed	Originals or certified
Certificates & reports	ER16	Retained reports & certificates must include info listed	Originals or certified
Prescriptions	ER17, ER23	Medicine: 5 years as per Meds Act Medical devices: not stipulated	Originals
Adult health records <i>[may need to be described and split up into specific</i>	Clause 9.2	6 years after record becomes dormant (last visit of patient)	Originals or certified copies



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

<i>records]</i>			
Records of children	Clause 9.3.1	When child becomes 21 years of age	Originals or certified
Records of persons mentally incompetent	Clause 9.3.2	For duration of person's lifetime	Originals or certified
Occupation health records (e.g. person who require oxygen equipment due to working in mine or polluted area)	Clause 9.4	20 years after treatment	Originals or certified copies
Health records of conditions that could manifest only later (e.g. asbestosis) or where legal action would not prescribe (e.g. child abuse or assault)	Clause 9.6	25 years after last entry	Originals or certified copies
Prescriptions	ER 17, also see Meds Act and General Regs below	6 years after record dormant, unless it involves treatment for a child, occupational health matter, etc	Copy, as pt & pharmacist will have original

*5 Booklet 9 "Guidelines on the Keeping of Patient Records", September 2016.



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

4.5. Health legislation: Medical Schemes Act 121 of 1998

Applicable document(s) / databases	Section / Reg	Period of retention	Archiving rules	Comment
Claims to medical schemes and motivations that underpin it	Reg 5, 6 and s59; S47, 19 and 50	Claims must be made within 4 months, but schemes can claw back and investigate for periods or around 3 years after the claim was lodged. Complaints can be lodged at any stage, even years after non-payment of a claim, and records relating to claims, motivations, internal appeals, etc. is recommended to be kept for at least 5 years after decline of payment.	Not stipulated	Schemes in s59(3) matters require the acquisition documents of supplies, dispensing records, referrals, records relating to hospitalization.

4.6. Occupational health legislation: Compensation for Occupational Injuries and Disease Act 130 of 1993

This applies to the practice staff and patients suffering occupational injuries and/or diseases:



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animation.co.za
www.animation.co.za

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained	Archiving rules
Employee (claimant) records. (earnings, time worked, overtime, etc.)	S81(2)	4 years after last entry, except where regs under OHS Act on specific conditions / sectors require differently (see below)	Not stipulated	
Employee records relating to reopened claims	S7, Reg 5 (*12)	Not prescribed, but 4 years after last entry (i.e. after employment termination) may not suffice in all cases of all conditions. H&S consultants recommend 10 years.	Not stipulated	
Medical reports	S74	Not stipulated, but would have to be retained until patient claim is finalized and provider accounts settled. Due to potential re-opening, recommended 10 years after last event relating to claim.	Copy	Copy of report should also be available to the patient

*12 GN 1217 of 9 November 2018: Regulation on IOD/OD Documents to be provided by employers to Compensation Fund in administration of Claims Adjudication processes as per section 6A (b) and 40 (1) of the Act (Government Gazette No. 42021).



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.7. Consumers / Patients: Consumer Protection Act 68 of 2008

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained	Comment
Intermediaries (e.g. sales agents, brokers)	S27, reg 10	3 years after document created: Intermediary must keep the records, co top ensure contractually that intermediary does so	Copies or electronic formats	
Competitions (all 18 pieces of information / documents as prescribed)	S36, Reg 11	3 years, but note SAMED Code requirement of 5 years where competition relates to the medical device business.	Not stipulated	After SAMED period of retention
Fixed-term consumer agreements	S14	Not stipulated in CPA but see National Credit Act below. General rule of not retaining for longer than necessary, and consents (e.g. if person added to a general consumer database for future marketing) must be considered	Not stipulated	As per co policy and NCA



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animotion.co.za
www.animotion.co.za

4.8. Consumers / Patients: National Credit Act 34 of 2005

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained	Destruction rules
All documents to create credit agreement, debt review documents (see list in reg 55(1)(b))	S170, Reg 55	3 years after document created	Not stipulated	
Agreement / contract / applications (signed Ts&Cs / billing notices /agreements to r(e)pay)	S170, Reg 56	3 years after termination	Not stipulated	
All judgements	Reg 17(1)	5 years or until judgement is rescinded	Not stipulated	

4.9. Business legislation: Broad-based Black Economic Empowerment Act 53 of 2003, the Code of Good Practice, 2013

[NOTE: For practices with a turnover of R50m or more. Qualifying small enterprises to retain documents only pertaining to the pillars chosen for verification. Exempted Micro-Enterprises (turnover below R10m) to keep proof of shareholding and proof of turnover – financial accounts or statements]

B-BBEE verification is an annual process. However, disputes in relation to verification, and delays in finalisation of verification scores necessitates the keeping of records for at least two years after a financial year-end as verification is on previous completed financial year and may take longer than 6 months. Appealing an allocated score sometimes necessitate referring to previous records relating to previous verifications. Many of the records in any event have to be kept in terms of other legislation for longer.



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimation.co.za
www.annimation.co.za

However some records, such as in kind contributions, or attendance registers that include race, gender and nationality details, may not be routinely retained for periods beyond, for example, a congress or a meeting.

4.10. Business Legislation: Companies Act 71 of 2008

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
AGM reports, AFS, accounting records; Notices, minutes, resolutions of shareholder meetings; all shareholders documents in relation to a resolution	S24(3)(c) &(d)	7 years after date of event	Originals in hard copy at a location in RSA
MOI, rules and certificate of incorporation	S24(3)(a)	“maintained”, i.e. keep indefinitely	Originals in hard copy at a location in RSA
Directors	S24(3)(b)	As at any point in time, i.e. “maintained” Past directors: 7 years	Originals in hard copy at a location in RSA
General shareholder communications	S24(3)(e)	7 years after date of communication issued	Originals in hard copy at a location in RSA
Board of Directors meetings & resolutions, Directors and Board Committees	S24(3)(f)	7 years after meeting or date of resolution adopted	Originals in hard copy at a location in RSA
Shareholders register	S24(4)(a)	Indefinitely, i.e. “maintained”	Originals in hard copy at a location in RSA
All other documents, accounts, records, etc. required by Companies Act	S24(1)	7 years, unless another law requires a longer period.	Originals in hard copy at a location in RSA



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

Board / Practice Code of Conduct, Terms of Reference, etc.	King IV	Not prescribed, unless approved as part of above documents, then retain for 7 years	Not prescribed
--	---------	---	----------------

4.11. Business: Competition Act 89 of 1998

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Minutes of association meetings relating to matters of coding and conditions of trade; Practice records on considerations regarding setting of fees, price files, fee lists, etc; contracts with suppliers, including documentation relating to the negotiation thereof; market share data; special deals and arrangements with suppliers and documents relating to the negotiation of pricing (acquisition costs, fees, etc.); all agreements or arrangements that are exclusive; notes / records of competition law objections, etc. as proof of exclusivity.	S77	Not prescribed, but how fees have been set independently from other practices and professional associations may be needed by Practice to defend competition law complaints or to provide information when Commission or Tribunal so requires. Recommended retention period of 10 years.	Format not relevant, i.e. can be electronic



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animotion.co.za
www.animotion.co.za

Competition law training records.			
-----------------------------------	--	--	--

4.12. Business legislation: Electronic Communication and Transactions Act 25 of 2002 (“ECTA”)

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
All electronic documents or documents saved in electronic versions	S11	Not without legal force and effect only because it is electronic. Usual retention periods for that type of document would therefore apply	Not necessarily, unless so prescribed
Documents containing signatures	S13	Documents where parties agree on e-signatures or where advanced signatures(*14) are used are valid and can be retained as hard-copies are / would have. Any electronically affixed signature not <i>per se</i> invalid. Note some contracts or documents require a “wet signature” meaning not electronic	Electronic
Requirement that a document must be “In writing”	S12	Can be in form of a data message (i.e. electronic) and can be retained same as hard copy “in writing”. Note difference of “by hand”.	Electronic



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

All documents that require retention	S16	As long as electronic record is accessible and represents accurately that document (e.g. could not have been changed afterwards), and origin and destination could be established, then retention as per stipulated and applicable period would be valid.(*15)	Electronic
Documents required by legal processes, inspectors, etc	S17, s28	Electronic form acceptable if electronic document reliable and accessible / usable for its purpose, and provided document is unaltered	Electronic
Documents requiring Notarisation, acknowledgement and certification	S18	Can be validly done by advanced electronic signature, also where hard copy is required such certified electronic copy would be value	Electronic
Agreements	S22	Not invalid purely because entered. into electronically, provided that no agreement to contrary entered into by parties, e.g. that wet signature ito s21.	Electronic, unless agreed to be parties that not electronic

*14 A signature recognize ito s37: **Accreditation of authentication products and services.**—(1) *The Accreditation Authority may accredit authentication products and services in support of advanced electronic signatures.*
 (2) *An application for accreditation must—*



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@animotion.co.za
www.animotion.co.za

(a) be made to the Accreditation Authority in the prescribed manner supported by the prescribed information; and

*15 A good example here is the HPCSA rules on health records. If electronically kept, must be kept as at a point in time, i.e. cannot be in a word-version, for example, that could be changed afterwards. Software that tracks changes and immortalize documents in points in time are therefore preferred.

4.13. Finance: Tax Administration Act 28 of 2011

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Returns, whether required to be submitted or not and. underpinning records	S29, s30	5 years after the date of submission / required submission / not required submission	Originals
Records subject to, or aware of possible audit and/or subject to an appeal	S32	Until audit / appeal is concluded	Originals

4.14. Finance: Income Tax Act 58 of 1962

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
All payroll, payroll calculations (deductions, benefits, etc.), returns, and all related info (EMP's)	Item 14, 4th Schedule as gazette (*16)	5 years from date of submission to SARS	Originals or. as prescribed by the SARS Commissioner.

*16 <https://www.sars.gov.za/AllDocs/LegalDoclib/Notes/LAPD-IntR-IN-2012-14%20-%20Allowances%20Advances%20Reimbursements.pdf>.



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.15. Finance: Value Added Tax Act 89 of 1991

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Records of goods / services supplied, invoices, credit notes, charts & codes of account, bank statements, etc., all customs documents,	S55, s15, s16, s20	5 years from date of submission of return	Originals, if for invoices not available, marked "copy"

4.16. Finance: Financial Intelligence Centre Act 38 of 2001 ("FICA")

This Act applies to banks, long terms insurers, estate agents, those keeping assets in trust, financial advisories, etc. It does not apply to Practice, but requires awareness by Practice of the documents these entities must retain when a bank, broker, etc. enter into a business relationship or once-off transaction with Practice.

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Due diligence documents including customer identity, purpose of business relationship, sources of funding, prominent foreign & local persons, family members & close associates	S21, s21A, s21B – 21H	5 years from date of each transaction; and 5 years after business relationship is terminated, if reported to Centre, 5 years from date of that report to FIC	Not specified, but as it could lead to criminal investigations, proposed originals



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.17. Finance: Insolvency Act 24 of 1936

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
Insolvent: All property and cash transactions	S134	From 2 years prior to sequestration	Not specified, but recommend originals
All documents during period of insolvency	S155	5 years after sequestration	Not specified, but recommend originals

4.18. Finance: Prescription Act 68 of 1969

Applicable document(s) / databases	Section / Reg	Period of retention	Original or copy to be retained
All records, irrespective of where those records are in retention processes	S3	3 years after date that debt due, but. can be interrupted once action starts on a matter.	Originals or certified copies required if in dispute during legal proceedings

The Prescription Act applies to claims against another person or entity, other than the state. Although it is set at 3 years, those 3 years only commence after a matter has been left, and does not apply for as long as a matter is kept alive, i.e. by a complaint, correspondence, etc. It could therefore mean that other retention times must be extended, e.g. if there is a dispute or a case relating to an occupational incident, and this commences 2 years after the date of a record created by the Practice's Occupational Health and Safety Committee, that record must be retained for as long as that matter is ongoing and cannot be destroyed after another 1 year (i.e. after the 3 years have lapsed). The Prescription Act's effect could therefore necessitate an extension of the retention periods.



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

4.19. Labour legislation: Basic Conditions of Employment Act 75 of 1997 and the regulations (*18) thereto

Applicable document(s) / databases	Section / Reg (*19)	Period of retention	Original or copy to be retained
Written particulars of employment as listed in s29, incl all contracts and documents pertaining to the contract.	S29	3 years after termination of employment.	Not specified but must be in writing
Certificate of service	S42, Reg 6	On employee file, 3 years after employment	Copy
As long as employed, name & occupation, time worked, remuneration, dob, etc,	S31	3 years after last entry on record	Not specified
Remuneration records as stipulated by s33: name, address, occupation, remuneration, period of salary, amounts, deductions & reasons therefor, actual amount paid, rate and overtime rate, hours worked, workplace, working hours	S33	3 years, but note EEA on pay differential reports if EEA Plan runs 5 years or longer, and obligation to keep EE information for 5 years after last entry.	Not specified
Sectoral determinations	S58	For as long as determination is applicable	Not specified
Any record to which employment relates	S66	May be requested and must be provided to a labour inspector. Documents for which no retention period is	Not specified



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

		prescribed to be retained as per co policy	
All records under BCEA	S76	Employer to prove authenticity	If no originals, certificates that copies are true

*18 GNR.1438 of 13 November 1998: General Administrative Regulations as amended on 22/03/2002; 25/07/2002 and 12/03/2010

*19 GNR.1438 of 13 November 1998: General Administrative Regulations as amended.

4.20. Insurance: Short-term Insurance Act 53 of 1998

Applicable document(s) / databases	Section / Reg (*19)	Period of retention	Original or copy to be retained
Policies, documents on claims, etc	Not specifically governed	Not regulated, but retain for at least 4 years after policy expiry and for claims documents 3 years after claim has been finalised (ito prescription legislation and Income Tax Act)	Not provided



Annelet Prinsloo

BDram
 BMus Hons Music communication
 MMus Music Therapy
 HPCSA nr: AT0001430
 Practice Number: 0931136
 Sel: 0826310238
Annelet@annimotion.co.za
www.annimotion.co.za

5. PART D: Contract retention and management

The overriding POPI Act criterion, i.e. to only store personal information as long as necessary applies to the personal information included in a contract. Some contracts may have to be retained for longer than its effective life, namely for business purposes, should a relationship with a contractual party have to be re-established, for audit purposes (often linked to financial transactions and requirements, e.g. invoicing and payment), as stipulated in labour law, etc. Follow above tables where specific contracts are concerned involving statutory periods. Also see above on ECTA.

Applicable document(s) / databases	Period of retention	Original or copy to be retained
Contracts that involves statutory retention periods	Retain for period that is longest, i.e. contract implementation, contract agreement, prescription or specific legislation (e.g. a principal investigator contract in a clinical trial should be retained indefinitely, as well as trials documents such as consents)	As specified in legislation or a per Practice rules or as per. ECTA
Contracts with suppliers, rentals, leases, equipment, etc.	At least 3 years after contract terminated	As specified in legislation or a per Practice rules or as per. ECTA
Non-disclosure agreements	Indefinitely	As specified in legislation or a per Practice rules or as per. ECTA
Consents signed by practitioner	At least 3 years after period to which consent pertain	Original or valid electronic version / copy



Annelet Prinsloo

BDram

BMus Hons Music communication

MMus Music Therapy

HPCSA nr: AT0001430

Practice Number: 0931136

Sel: 0826310238

Annelet@animotion.co.za

www.animotion.co.za