



making nevirapine available was directly in breach of the court order.

Far from facilitating the provision of nevirapine, Manana and her officials 'had attempted to prevent and obstruct its provision and pressurised doctors who provided it without her permission.'

Budlender told the SAMJ that he expected a court date to be set down for late February or early March.

'Right now the purpose is to get her version on the record - we've said that she can't plead ignorance because of the circulars she sent out,' he added.

TAC Chairperson Zackie Achmat said his organisation had corresponded extensively since July with Director-general Ayanda Ntsaluba, in a countrywide assessment of the roll-out and that he had 'co-operated fully'.

'We found the Western Cape, KwaZulu-Natal, Gauteng and North

West to be committed to the success of PMTCT.' Mpumalanga however, had followed a 'diametrically opposite path' Achmat said.

He added that 'it has misrepresented the extent of its actions, refused to respond to correspondence and delayed the implementation of PMTCT.'

Chris Bateman



Sibongile Manana

SAMA LOSES SAHRC DISCLOSURE COMPLAINT

SAMA has lost its complaint with the SA Human Rights Commission (SAHRC) on the disclosure of financial information that was lodged in May last year. The complaint concerned the violation of privacy rights of doctors in the senior management echelons of the Department of Public Service and Administration (DPSA), resulting in them having to disclose a wide range of personal and financial information.

The SAHRC did find a *prima facie* violation of the right to privacy, but found that such violation was justifiable in the light of the circumstances put forward by the DPSA. The DPSA argued that although many doctors do

not have actual decision-making powers that could pose conflicts of interest, they may influence such decisions.

The Commission also found that since some of the information (e.g. title deeds and shareholder information) could be accessed publicly, it is not considered private.

'SAMA urges doctors to remain vigilant as to whom they provide information, to demand absolute privacy and confidentiality and to only allow that information to be passed on to the Public Service Commission (PSC). No third party may access or distribute or keep that information on file,' said Elsabé Klinck of SAMA's Human

Rights, Law and Ethics Unit. It is recommended that doctors write "Personal Information - Not for disclosure to any person or body except the PSC" on each and every page that they fill out.'

SAMA advised doctors to report abuse, misuse or negligent handling of their information to their Human Rights, Law and Ethics Unit who will report the incident to the PSC.

Reports can be sent to Elsabé Klinck at elsabek@samedical.org, or fax to (012) 481 2100.

Magda Naudé

