

## Information Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act (PAIA)

### 1. Introduction

This manual is for Bankmed Medical Scheme.

The Promotion of Access to Information Act, No.2 of 2000 ("the Act") is an Act that was passed to give effect to the constitutional right held by South African citizens, of access to any information held by the State or by another person, which is required for the exercise or protection of any right. Where a request is made in terms of the Act, the body to which the request is made is obliged to provide access to the requested information, except where the Act expressly provides that the information may or must not be released. Therefore, the right of access to information and this Manual is only applicable to South African citizens, as defined in the Constitution of the Republic of South Africa Act 108 of 1996.

It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient, and good governance, and in a manner which balances that right with other rights, including such rights contained in the Bill of Rights in the Constitution.

This manual is available for inspection, free of charge, at the physical address of Bankmed Medical Scheme, recorded in paragraph 3 below and on this website.

### 2. Purpose of PAIA

This manual is compiled in accordance with Section 51 of the Act. It is intended to provide a description of the records held by and on behalf of Bankmed Medical Scheme; to stipulate grounds for refusal of access to any such records; to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information; with a view of enabling requestors to obtain records to which they are entitled in a quick, easy and accessible manner.

### 3. Contact details of the Information Officer of Bankmed Medical Scheme

<b>Information Officer:</b>	Mr. Teddy Mosomothane
<b>Postal Address:</b>	Private Bag X2 Rivonia 2128
<b>Physical Address:</b>	Office 302B, 34 Whiteley Road Melrose Arch Johannesburg 2076
<b>Telephone Number</b>	(011) 713 7853
<b>Fax Number:</b>	(011) 713 7851
<b>E-mail Address:</b>	<a href="mailto:tmosomothane@bankmedscheme.co.za">tmosomothane@bankmedscheme.co.za</a>
<b>Website:</b>	<a href="http://www.bankmed.co.za">www.bankmed.co.za</a>



#### 4. Guide of the Information Regulator

The Information Regulator is required in terms of the Act to compile a guide in every official language, containing information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act, in a manner that is easily comprehensible to any such person. As at the date of publishing this manual, the guide had not yet been compiled. Any enquiries regarding the guide should be directed to:

Postal Address:	The Information Regulator P.O Box 31533 Braamfontein 2017
Telephone Number:	010 023 5200
E-mail Address:	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
Website:	<a href="http://www.justice.gov.za/infoereg/">www.justice.gov.za/infoereg/</a>

#### 5. Records of Bankmed Medical Scheme

The accessibility of the documents listed below may be subject to the grounds of refusal set out in Part 6 of this manual.

The information is classified and grouped according to records relating to the following subjects and categories:

##### 5.1. Personnel Records

"Personnel" refers to any person who works for or provides services to or on behalf of Bankmed Medical Scheme and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Bankmed Medical Scheme and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Examples of this include:

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel; and
- Training schedules and material.

##### 5.2. Client Related Records

A "client" refers to any natural or juristic entity that receives services from Bankmed Medical Scheme.

Examples of this includes:

- Records pertaining to the diagnosis, treatment, or health of the clients of Bankmed Medical Scheme and members of the medical schemes administered by Discovery Health (Pty) Ltd;
- Records provided by a client to a third party acting for or on behalf of Bankmed Medical Scheme;
- Records provided by a third party;

- Records generated by or within Bankmed Medical Scheme relating to its clients.

### 5.3. Private Body Records

These records include, but are not limited to, the records which pertain to Bankmed Medical Scheme's own affairs.

Examples of these include:

- Financial records;
- Operational records;
- Information Technology;
- Communication;
- Administrative records;
- Product records;
- Statutory records;
- Internal Policies and Procedures; and
- Human Resources.

### 5.4. Other Party Records

Examples of these include:

- Personnel, customer, or private body records which are held by another party, as opposed to the records held by Bankmed Medical Scheme itself;
- Records held by Bankmed Medical Scheme pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about Bankmed Medical Scheme's contractors / suppliers;
- Bankmed Medical Scheme may possess records pertaining to other parties including, but not limited to, contractors, suppliers, and service providers and such other parties may possess records that can be said to belong to Bankmed Medical Scheme.

### 5.5. Records Available in Accordance with Other Legislation

A requester may also request information that is available in terms of other legislation.

Examples of this include:

- The Medical Schemes Act 131 of 1998;
- The Labour Relations Act 66 of 1995;
- The Employment Equity Act 55 of 1998;
- The Basic Conditions of Employment Act 75 of 1997;
- The Protection of Personal Information Act 4 of 2013.

The above is not an exhaustive list of statutes that may require Bankmed Medical Scheme to keep records.

## 6. Grounds for refusal of access to records

Bankmed Medical Scheme may refuse request for information on the following basis:

- 6.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 6.2. Mandatory protection of the commercial information of a third party, if the record contains:
  - 6.2.1. Trade secrets of that third party;
  - 6.2.2. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
  - 6.2.3. Information disclosed in confidence by a third party to Bankmed Medical Scheme, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 6.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- 6.4. Mandatory protection of the safety of individuals and the protection of property.
- 6.5. Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 6.6. The commercial activities of Bankmed Medical Scheme, which may include:
  - 6.6.1. Trade secrets of Bankmed Medical Scheme;
  - 6.6.2. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Bankmed Medical Scheme;
  - 6.6.3. Information which, if disclosed, could put Bankmed Medical Scheme at a disadvantage in negotiations or commercial competition;
  - 6.6.4. A computer program which is owned by Bankmed Medical Scheme, and which is protected by copyright.
- 6.7. The research information of Bankmed Medical Scheme or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 6.8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## 7. Access to records held by Bankmed Medical Scheme

Records held by Bankmed Medical Scheme may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of or held by Bankmed Medical Scheme. There are two types of requesters:

### 7.1. Personal Requestor

- 7.1.1. A personal requester is a requester who is seeking access to a record containing personal information about the requester.

- 7.1.2. Bankmed Medical Scheme will voluntarily provide the requested information or provide access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2. Other Requestor

- 7.2.1. This requester (other than a personal requester) is entitled to request access to information on third parties. However, Bankmed Medical Scheme is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8. Request procedure

A requester requiring access to information held by Bankmed Medical Scheme must complete the prescribed form, enclosed herewith as [FORM 2](#), submit it to the Information Officer at the postal or physical address or electronic mail address recorded in paragraph 3 above and pay a request fee and a deposit, should it be applicable.

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

- 8.1. The record or records requested;
- 8.2. The identity number of the requester;
- 8.3. The form of access required if the request is granted;
- 8.4. The postal address or fax number of the requester.

The requester must also state that he requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

Bankmed Medical Scheme will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictating that the above time periods need not be complied with.

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

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

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

## 9. Decision

Bankmed Medical Scheme will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period with which Bankmed Medical Scheme must decide whether to grant or refuse

the 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 office of Bankmed Medical Scheme and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing, should an extension be sought.

## **10. Remedies available when Bankmed Medical Scheme refuses a request for information**

### **10.1. Internal Remedies**

10.1.1. Bankmed Medical Scheme does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will be required to exercise external remedies at their disposal.

### **10.2. External Remedies**

10.2.1. A requester or a third party, who is dissatisfied with an Information Officer's refusal to disclose information, or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court, or another court of similar status for relief.

## **11. Fees**

The Act provides for two types of fees, namely:

- 11.1. A request fee, which will be a standard fee; and
- 11.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, the officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.

The Information Officer will withhold a record until the requester has paid the fees as indicated in the table below.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

Should a deposit have been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.

Reproduction Fees	
Where Bankmed Medical Scheme has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that maybe levied for obtaining such records, will be a fee for reproduction of the record in question.	
The applicable fees for reproduction as referred to above are: (VAT inclusive) For every photocopy of an A4-size page or part thereof	R2,00 per page
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R2,00 per page
For a copy in a computer-readable form on: <ul style="list-style-type: none"> <li>- Flash drive</li> <li>- Disc</li> <li>- Compact disc</li> </ul>	R40,00 R40,00
A transcription of visual images for an A4-size page or part thereof	Service to be outsourced. Will depend on quotation from Service Provider
For a copy of visual images	
A transcription of an audio record, for an A4-size page or part thereof	R24,00
For a copy of an audio record	R40,00
Request Fees	
Where a requester submits a request for access to information held by Bankmed Medical Scheme on a person other than the requester himself/herself, the request fee is payable up-front before the institution will further process the request received.	R60,00
Access Fees	
An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).	
Deposits	
Where Bankmed Medical Scheme receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable to the requester. The amount of the deposit is equal to 1/3 of the amount of the applicable access fee.	