



medihelp

medical scheme

Accessing our Information

in terms of Section 51 of the Promotion of Access to
Information Act No. 2 of 2000

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Preamble

The Promotion of Access to Information Act No. 2 of 2000 (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to Medihelp

Medihelp is a medical scheme and registered financial services provider that provides financial assistance to its members in obtaining healthcare services.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess.

You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website.

Section A – Medihelp’s details

Full name:	Medihelp
Registration:	Registered in terms of the Medical Schemes Act 1998, Act No. 131 of 1998 Registered in terms of the Financial Advisory and Intermediary Services Act 2002, Act No. 37 of 2002
Registered address:	410 Steve Biko Street Arcadia 0070
Postal address:	PO Box 26004 Arcadia 0084
Telephone number:	012 334 2000
Fax number:	012 336 9540
Website:	www.medihelp.co.za
E-mail:	medihelp@medihelp.co.za
Head/EPO:	Mr Heyn van Rooyen
Designated information officer:	Mr Heyn van Rooyen
Contact details of information officer:	Tel: 012 334 2000 Email: hey@medihelp.co.za

Section B –The Official Guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any rights in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act.
2. Particulars of the information officer of every public body.
3. Particulars of every private body as are practicable.
4. The manner and form of a request for access to information held by a body.
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act.
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application.
7. Schedules of fees to be paid in relation to requests for access to information.
8. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: 011 877 3600

Fax: 011 403 0625

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1. CATEGORIES OF INFORMATION

We hold the following categories of information:

(a) STATUTORY PRIVATE BODY INFORMATION

- (i) Registration as medical aid scheme in terms of the Medical Schemes Act.
- (ii) Register of members of the Board of Trustees.
- (iii) Registration as financial services provider in terms of the Financial Advisory and Intermediary Act.
- (iv) Register of Key Individuals and Representatives.
- (iii) Minutes of meetings.
- (iv) Annual financial statements, including:
 - (a) Annual accounts.
 - (b) Reports by the Board of Trustees.
 - (c) Auditor's report.
- (v) Books of account, including journals and ledgers.
- (vi) Delivery notes, orders, invoices, statements, receipts and vouchers.
- (vii) Supporting schedules to books of account and ancillary books of account.

(b) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations.
- (ii) Time worked by each employee.
- (iii) Remuneration paid to each employee.
- (iv) Date of birth of each employee.
- (v) Attendance register.
- (vi) Employment equity plan.
- (vii) Salary and wages register.
- (viii) Arbitration awards.
- (ix) Training records.
- (x) Staff records (after date of employment ceases).
- (xi) Tax returns of employees.

(c) OTHER EMPLOYEE RECORDS

- (i) Employee contracts.
- (ii) Study assistance schemes.
- (iii) Maternity leave policy.
- (iv) Disability scheme.
- (v) Group life.
- (vi) Code of conduct.
- (vii) Representatives' adherence to the Financial Advisory and Intermediary Act.

(d) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules.
- (ii) Pension Fund account records.
- (iii) Minutes of meetings of trustees and members.
- (iv) Actuarial Valuation reports.
- (v) Contribution reports.

(e) ENVIRONMENTAL AND SAFETY INFORMATION

- (i) Emergency response plans.
- (ii) Permits, licenses, approvals or registrations for operations of business.

(f) FIXED PROPERTY

- (i) Title deeds.
- (ii) Building plans.

(g) MOVABLE PROPERTY

- (i) Asset register.
- (ii) Finance and lease agreements.

(h) INTELLECTUAL PROPERTY

- (i) Trademarks, trade names and protected names.
- (ii) Copyrights.
- (iii) Agreements relating to intellectual property, such as license agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.
- (iv) Litigation and other disputes involving intellectual property.

(i) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or materials.
- (ii) Joint venture agreements, partnership agreements, participation, co-marketing, co-promotion or other alliance agreements.
- (iii) Agreements with contractors, suppliers and brokers.
- (iv) Agreements with members.
- (v) Purchase or lease agreements.

(j) LEGAL INFORMATION

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation.
- (ii) Settlement agreements.
- (iii) Licenses, permits and authorisations.
- (iv) Statutory reports.

(k) INSURANCE RECORDS

- (i) Insurance policies.
- (ii) Claim records.
- (iii) Details of insurance coverage, limits and insurers.

(l) INFORMATION TECHNOLOGY RECORDS

- (i) Hardware.
- (ii) Operating systems.
- (iii) Telephone exchange equipment.
- (iv) Telephone lines, leased lines and data lines.
- (v) LAN installations.
- (vi) Software packages.
- (vii) Disaster recovery.
- (viii) Internal systems support and programming.
- (ix) Development and utilisation of current systems.
- (x) Agreements.
- (xi) Licenses.
- (xii) Audits.

(m) SALES AND MARKETING RECORDS

- (i) Products.
- (ii) Markets.
- (iii) Brochures, newsletters and advertising materials.
- (iv) Sales.
- (v) Public relations policies and procedures.
- (vi) Advice records.
- (vii) Conflict of Interest and Complaints policy.

(n) MEMBERSHIP AND CLAIM RECORDS

- (i) Members.
- (ii) Claims.
- (iii) Correspondence.

2. PROCEDURE FOR REQUESTING ACCESS TO THE ABOVE INFORMATION

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:

- Our information officer (whose contact details are in section A of this manual).
- The SAHRC website (www.sahrc.org.za).
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

In terms of Chapter 3 section 56 of the act, Medihelp will respond to the request as soon as possible within 30 days as per the provisions prescribed and notify the requester of the decision made.

Section D – Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes, and we retain records and documents in terms of the following statutes:

1. Basic Conditions of Employment No. 75 of 1997
2. Consumer Protection Act No. 68 of 2008
3. Electronic Communications and Transactions Act No. 25 of 2002
4. Employment Equity Act No. 55 of 1998
5. Financial Advisory and Intermediary Services Act No. 37 of 2002
6. Inspection of Financial Institutions Act No. 80 of 1998
7. Labour Relations Act No. 66 of 1995
8. Medical Schemes Act No. 131 of 1998
9. National Credit Act No. 34 of 2005
10. Occupational Health & Safety Act No. 85 of 1993
11. Pension Funds Act No. 24 of 1956
12. Protection of Personal Information Act No. 4 of 2013
13. Skills Development Levies Act No. 9 of 1999
14. Skills Development Act No. 97 of 1998
15. Tax on Retirement Funds Act No. 38 of 1996
16. Unemployment Contributions Act No. 4 of 2002
17. Unemployment Insurance Act No. 63 of 2001
18. Value Added Tax Act No. 89 of 1991

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying.

In other words, you do not need to request this information in terms of the Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

- Newsletters
- Booklets
- Pamphlets / brochures
- Reports
- Other literature intended for public viewing

Section F – Records that cannot be found or does not exist

In terms of Chapter 3 section 55 of the Act, Medihelp will after all reasonable steps have been taken to find the record requested notify the requester as prescribed by affidavit or affirmation should the record not be found or, does not exist.

Section G – Grounds for refusal of access to records

Medihelp may refuse a request for information on the following basis:

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.

2. Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to Medihelp, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
4. Mandatory protection of the safety of individuals and the protection of property;
5. Mandatory protection of records which would be regarded as privileged in legal proceedings;
6. The commercial activities of Medihelp, which may include:
 - Trade secrets of Medihelp;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Medihelp;
 - Information which, if disclosed, could put Medihelp at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by Medihelp and which is protected by copyright.
7. The research information of Medihelp 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;
8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Remedies available when Medihelp refuses a request for information

1. INTERNAL REMEDIES

- Medihelp 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 have to exercise external remedies at their disposal.

2. EXTERNAL REMEDIES

- 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.



Request for access to a record

(Section 53(1) of the Promotion of Access to Information Act) (Act No. 2 of 2000)

The Information Officer
PO Box 26004
Arcadia
0084

Request Details

Particulars of person requesting access to the record

Full names and surname	
Identity number	
Postal address	
Fax number	
Telephone number	
E-mail address	

Capacity in which request is made, when made on behalf of another person
(Proof of the capacity in which the request is made, if applicable, must be attached.)

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	

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) **Description of record or relevant part of the record.**

Note: 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.

Reference number, if available:

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Any further particulars of record:

Fees:

- *A request for access to a record, other than a record containing personal information about you, will be processed only after a request fee has been paid.*
- *You will be notified of the amount to be paid as a request fee.*
- *The fee payable for access to a record depends on the form in which access is required and the time reasonably required to search for and prepare a record.*
- *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

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:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an X

1. If the record is in written or printed form:

Copy of record

Inspection of the record

2. If the record consist of visual images:

View the images

Copy of the images*

Transcription of the images*

3. If the record consist of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (cassette)

Transcription of the soundtrack

4. If the record is held on computer or in an electronic or machine-readable form:

Printed copy of the record*

Printed copy of the information from the record

Copy in computer readable form (stiffy or compact disc)

* If you requested a copy or transcription of a record, do you wish the copy or transcription to be posted to you?

Yes

No

If YES, postage is payable.

Particulars of right to be exercised or protected:

- (a) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*
- (b) *The requester must sign all the additional folios.*

Indicate which right is to be exercised or protected:

Explain why the record requested is required for the exercise or protection of the said right:

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 advised 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 _____ on this _____ day of _____ 20____
at _____

**SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE**

ANNEXURE “B”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

Ref	Charges	Cost
1.	Electronic PDF copy of the Manual	Free
2.	Posted Paper Copy of the Manual	R15.00
3.	Request Fee (other than a personal requestor)	R50.00
4.	Access Fee: Electronic Record Format: A4 per page	R0.75
	Reproduce: Electronic Record Format: A4 per page	R0.75
5.	Access Fee: Photocopy Record Format: A4 per page	R1.10
	Reproduce: Photocopy Record Format: A4 per page	R1.10
6.	Access Fee: Record on Stiffy Disk	R7.50
	Reproduce: Record on Stiffy Disk	R7.50
7.	Access Fee: Record on Compact Disc	R70.00
	Reproduce: Record on Compact Disc	R70.00
8.	Access Fee: Transcription of Visual Images: A4 page	R40.00
	Reproduce: Transcription of Visual Images: A4 page	R40.00
9.	Access Fee: Copy of Visual Images	R60.00
	Reproduce: Copy of Visual Images	R60.00
10.	Access Fee: Transcription of Audio record: A4 page	R20.00
	Reproduce: Transcription of Audio record: A4 page	R20.00
11.	Access Fee: Copy of Audio record	R30.00
	Reproduce: Copy of Audio record	R30.00

The fees reflected above are VAT exclusive.