



Medihelp Manual: Accessing Information

Prepared in terms of section 51 of
the Promotion of Access to Information
Act 2 of 2000 ("PAIA")

(FSP No 15738)





Document Revision History

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Preamble

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) came into operation on 23 November 2001. Section 51 of this Act requires that Medihelp as a private body should compile a manual giving information to the public regarding the procedure to be followed when requesting information from Medihelp for the purpose of exercising or protecting rights.

The Protection of Personal Information Act 4 of 2013 (“POPIA”) was enacted in November 2013 to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

Introduction to Medihelp

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

Medihelp as a private body has 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 exercising and protection of their rights.

This manual contains detail of the categories of information which Medihelp possesses. It also describes the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on the Medihelp website.



Section A – Medihelp’s details

| | |
|--|--|
| Full name: | Medihelp Medical Scheme |
| Registration: | Registered in terms of the Medical Schemes Act 131 of 1998, as amended, with registration number 1149; and Registered in terms of the Financial Advisory and Intermediary Services Act 37 of 2002 with FSP license number 15738 |
| Registered address: | 189 Clark Street Brooklyn 0181 |
| Postal address: | PO Box 26004 Arcadia 0084 |
| Telephone number: | +27(0)12 334 2000 |
| Fax number: | +27(0)12 336 9540 |
| Website: | https://www.medihelp.co.za |
| Email address: | enquiries@medihelp.co.za |
| Designated Information Officer: | Corene Agenbach |
| Email address: | A0osthuizen@medihelp.co.za |
| Telephone number: | +27(0)12 334 2000 |



Section B – The official guide

In terms of section 10 of PAIA an official guide has been compiled by the South African Human Rights Commission (SAHRC) that contains information reasonably required by a person wishing to exercise or protect any rights in terms of this Act. Where a request is made in terms of PAIA, Medihelp is obliged to give access to the requested information, except where the Act expressly provides that the information may not be released.

The guide contains the following information:

1. The objectives 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.

A copy of this guide is available from the Information Regulator (established in terms of POPIA). Enquiries regarding the guide can be addressed to the SAHRC, the contact details of which are as follows:

Postal address: South African Human Rights Commission PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone number: +27(0)11 484 8300

Fax number: +27(0)11 484 0582

Website: <http://www.sahrc.org.za>

Email address: paia@sahrc.org.za



Section C – Information available in terms of the Act

1. CATEGORIES OF INFORMATION

Medihelp holds the following categories of information:

(a) STATUTORY PRIVATE BODY INFORMATION

- (i) Registration as a 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 Services 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; and
 - (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 Services 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, licences, 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 licence 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) Licences, 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) Licences.
- (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:

- The Medihelp Information Officer, whose contact details are provided in section A of this manual;
- The SAHRC website (www.sahrc.org.za); or
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

The prescribed form must be submitted to the Medihelp Information Officer at the physical address, telefax number or email address recorded in section A of this manual. The request form must be comprehensively completed.

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 required 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 but within 30 (thirty) days as per the provisions prescribed, and will notify the requester of the decision made.



Section D – Information available in terms of other legislation

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

1. Administration of Estates Act 66 of 1965
2. Basic Conditions of Employment 75 of 1997
3. Compensation of Occupational Injuries and Diseases Act 130 of 1993
4. Consumer Protection Act 68 of 2008
5. Electronic Communications and Transactions Act 25 of 2002
6. Employment Equity Act 55 of 1998
7. Financial Advisory and Intermediary Services Act 37 of 2002
8. Financial Intelligence Centre Act 38 of 2001
9. Income Tax Act 58 of 1991
10. Insolvency Act 24 of 1936
11. Inspection of Financial Institutions Act 80 of 1998
12. Labour Relations Act 66 of 1995
13. Medical Schemes Act 131 of 1998
14. National Credit Act 34 of 2005
15. Occupational Health & Safety Act 85 of 1993
16. Pension Funds Act 24 of 1956
17. Protection of Personal Information Act 4 of 2013
18. Skills Development Levies Act 9 of 1999
19. Skills Development Act 97 of 1998
20. Tax on Retirement Funds Act 38 of 1996
21. Unemployment Contributions Act 4 of 2002
22. Unemployment Insurance Act 63 of 2001
23. Usury Act 73 of 1965
24. Value Added Tax Act 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 PAIA. Request forms for these categories of information are also available from the Medihelp 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 do 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 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 the 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; and
 - 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 reveal 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 that 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 the Information Officer's refusal to disclose information or the disclosed information may apply to the Constitutional Court, the High Court or another court of similar status for relief within 30 days of notification of the decision.

Section H – Processing of information

In terms of POPIA, data and information must be processed for a specified purpose. This purpose is ordinarily disclosed explicitly or implicitly at the time the data or information are collected.

Medihelp processes the data of its employees for business administration purposes and to the extent required by legislation and regulation; for example, for payroll purposes and to effect payment to suppliers and/or contractors.

Medihelp also processes data to consider a member's application for membership or benefits, to conduct underwriting, administer a member's health plan or consider a claim for medical expenses.

In performing these tasks, Medihelp may inter alia collect, collate, process, store and disclose personal information.

Medihelp uses a wide range of information security measures to ensure the confidentiality, integrity and availability of personal information in Medihelp's possession. Medihelp takes reasonable appropriate technical and organisational measures designed to ensure that personal data and information remain confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Request for access to a record

(Section 53(1) of the Promotion of Access to Information Act 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 _____

Membership number

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

Practice number _____

Adviser number _____

Identity number _____

Postal address _____

Fax number _____

Telephone number _____

Email 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 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:

Any further particulars of record:

Fees:

- A request for access to a record, other than a record containing personal information about you, may 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 consists of visual images:

View the images

Copy of the images*

Transcription of the images*



3. If the record consists 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

* 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 by you. |
|-----|----|------------------------------------|

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 is right 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 at _____ on this _____ day of _____ 20 _____

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:

| Number | Description | 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: Per A4 page | R0,85 |
| | Reproduce: Electronic record format: Per A4 page | R0,85 |
| 5. | Access fee: Photocopy record format: Per A4 page | R1,25 |
| | Reproduce: Photocopy record format: Per A4 page | R1,25 |
| 6. | Access fee: Record on stiffy disk | R8,55 |
| | Reproduce: Record on stiffy disk | R8,55 |
| 7. | Access fee: Record on compact disc | R79,80 |
| | Reproduce: Record on compact disc | R79,80 |
| 8. | Access fee: Transcription of visual images: Per A4 page | R45,60 |
| | Reproduce: Transcription of visual images: Per A4 page | R45,60 |
| 9. | Access fee: Copy of visual images | R68,40 |
| | Reproduce: Copy of visual images | R68,40 |
| 10. | Access fee: Transcription of audio record: Per A4 page | R22,80 |
| | Reproduce: Transcription of audio record: Per A4 page | R22,80 |
| 11. | Access fee: Copy of audio record | R34,20 |
| | Reproduce: Copy of audio record | R34,20 |

The fees reflected above exclude VAT.



Medical Aid *in Action*

086 0100 678
www.medihelp.co.za



Medihelp is an authorised financial services provider (FSP No 15738)

