

SUREMED HEALTH REGISTRATION NUMBER : 1464 ("the SCHEME")

Access to Information Manual

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 ("the ACT")



ACCESS TO INFORMATION MANUAL OF SUREMED HEALTH PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1. Introduction

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 recognizes 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 any other rights, including such rights contained in the Bill of Rights in the Constitution.

2. Contact Details

2.1 Scheme Details

Postal Address: P.O. Box 1672, Port Elizabeth, 6000

Physical Address: 7 Lutman Street, Richmond Hill, Port Elizabeth, 6001

Phone: 0860080888

Email: info@suremedhealth.co.za

2.2 Principal Officer Details

Name: Johan Janse Van Rensburg

Phone: 082 465 1380

Email: po@suremedhealth.co.za

3. Access to Human Rights Commission Guide

The South African Human Rights Commission 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 South African HUMAN RIGHTS COMMISSION Head Office Braampark Forum 3
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	33 Hoofd Street Braamfontein
Telephone Number:	(011) 877-3750
Fax Number:	(011) 403-0668
E-mail Address:	info@sahrc.org.za
Website:	www.sahrc.org.za

4. Records Available

4.1 The following records are available to members of the Scheme in terms of the Medical Schemes Act 131 of 1998 and need to be requested in accordance with the procedure outlined in section 6 of the manual:

- Scheme rules and all annexures
- Audited Financial Statements
- Notices of Annual General Meetings and any other such meetings
- Minutes of Annual General Meeting

4.2 The following records are automatically available to the beneficiaries of the Scheme and need not be requested in accordance with the procedure outlined in section 6 of the manual:

- His/her own claim information
- A member is entitled to the underage beneficiaries claims information
- His/her own membership information
- Scheme brochures and member communications

4.3 The following records are automatically available to the potential members of the Scheme and need not be requested in accordance with the procedure outlined in section 6 of this manual:

- Scheme brochures
- Other marketing information

4.4 The following records are automatically available to the accredited brokers who are authorized by the Scheme to market the Scheme, solicit enrolment of prospective members of the Scheme and to render ongoing services to existing members and not be requested in accordance with the procedure outlined in section 6 of this manual:

- His/Her existing members and beneficiary membership details
- His/Her existing members billing statements
- Scheme brochures and general member communications
- His/Her commission statements

4.5 The cost to access, reproduce, search for and/or prepare any of the above-mentioned records, unless otherwise agreed are detailed under Point 11, Fees.

5. Records held by the Scheme

This section of the manual sets out the subject and category of records held by the Scheme and are not automatically available without request in terms of the Act and certain grounds of refusal as set out in the Act may be applicable.

5.1 Financial

- Quarterly Statutory returns
- Executive Summaries
- Budgets and Forecasts
- Member debt schedules

- All documentation generated/received in raising and collection of contributions
- All documentation generated/received in connection with the payment of the broker commissions
- Ledgers and Journals
- Investment reports and details
- Member accounts, statements and cheques and all other records of claims
- Reconciliations
- Minutes and packs of Audit Committee meetings
- Auditor Management letters
- Scheme bank account statements, cheques and all other records relating to the Scheme bank accounts
- All invoices, cheques and other records received from the third parties

5.2 Contracts

- Administration Agreement
- Managed Healthcare Agreement
- IT Agreement
- Professional Indemnity Insurance
- Agreements with providers
- Agreements with brokers
- Agreements with Investment managers
- Employment and consulting agreements
- All other agreements entered into with third parties
- All correspondence and other records relating to the above-mentioned agreements

5.3 General

- All communication to members, providers, brokers and other third parties
- Employer group details
- Application forms and member records
- Membership profiles
- Broker profiles
- Claiming profiles
- Medical reports

5.4 Board of Trustees

- Trustee details
- Minutes of the Board of Trustee meetings
- Board of Trustee meeting packs
- Minutes of sub-committee meetings
- Ex-Gratia applications and all supporting documents
- All documentation in respect of the Trustee Election process.

5.5 Personnel Records

"Personnel" refers to any person who works for or provides services to or on behalf of Suremed Health and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Suremed Health 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.

5.6 Client Related Records

A "client" refers to any natural or juristic entity that receives services from Suremed Health

Examples of this includes:

- Records pertaining to the diagnosis, treatment or health of the clients of Suremed Health and members of the medical schemes administered by MomentumTYB;
- Records provided by a client to a third party acting for or on behalf of Suremed Health;
- Records provided by a third party;
- Records generated by or within Suremed Health relating to its clients.

6. Grounds for refusal of access to records

Suremed Health 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 Suremed Health, 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 Suremed Health, which may include:
 - Trade secrets of Suremed Health;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Suremed Health;
 - Information which, if disclosed, could put Suremed Health at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by Suremed Health and which is protected by copyright.
7. The research information of Suremed Health 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.

7. Requesting Procedure

7.1 A requester requiring access to information held by Suremed Health must complete the prescribed form, see Form C - Request For Access To Record Of Private Body, submit it to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in and pay a request fee and a deposit, should it be applicable.

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

1. The record or records requested;
2. The identity number of the requester;
3. The form of access required, if the request is granted;
4. The postal address or fax number of the requester.

7.3 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.

7.4 Suremed Health 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.

7.5 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.

7.6 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.

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

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

7.9 Suremed Health 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.

7.10 The 30-day period with which Suremed Health has to 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 Suremed Health 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.

7.11 If the request for access is denied, the Information Officer shall advise the requester in writing in a notice of refusal. The notice shall state :

- Adequate reasons for the refusal ;
- That the requester may lodge an appeal with the High Court against the refusal of the request (including the period) for the lodging such appeal.

7.12 Upon refusal by Request/Compliance Officer, any deposit paid by the requester will be refunded.

7.13 If the Request/Compliance Officer fails to respond within thirty (30) days after a request has been received, it is deemed, in terms of Section 58 read together with Section 56(1) of the Act that the Request/Compliance Officer has refused to request.

7.14 The Request/Compliance Officer may decide to extend the period of thirty (30) days (“original period”) for another period of not more than thirty days if the:

- The request is for a large number of records; or
- Search for the records is to be conducted at premises not situated in the same town or city as the head office of the Scheme or
- Consultation among divisions or departments, as the case may be, of the Scheme or its contracted third parties is required; or
- Requester consents to such an extension in writing; or
- Parties agree in any other manner to such an extension.

7.15 Should the Scheme require an extension of time the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension

7.16 The requester may lodge an appeal with the High Court against any extension or against any procedure set out in this section.

8. Information Records not Found

8.1 If a requested record cannot be found or does not exist, the Request/Compliance Officer must, by way of affidavit notify the requester that it is not possible to give access to the requested record.

8.2 The affidavit must provide a full account of all steps taken to find the record or to determine the existence thereof, including details of all communications by the Request/Compliance Officer with every person who conducted the search.

8.3 This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

8.4 Should the record be found later, the requester may be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Request/Compliance Officer.

8.5 The attention of the requester is drawn to the provisions of Chapter 4 of the Act in terms of which the Scheme may refuse, on certain specified grounds, to provide information to the requester.

9. Information requested by a Third Party

9.1 Section 71 of the Act makes provision for a request for information or records by a third party.

9.2 In considering such a request, the Scheme will adhere to the provisions of Section 71 to 74 of the Act.

9.3 The attention of the requester is drawn to the provisions of Chapter 5 Part 3 of the Act in terms of which the Scheme is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the previous Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the Request/Compliance Officer by referring matters to the High Court.

10. Availability of the manual

10.1 The Schemes manual is available at the offices of the Scheme. Copies are available from the South African Human Rights Commission.

11. Fees

11.1 The Act provides for two types of fees, namely:

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

11.2 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.

11.3 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.

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

11.5 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.

11.6 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.

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 Suremed Health 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 may be 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:	R
For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,85
For a copy in a computer-readable form on:	8,55
- Disc	79,80
- Compact disc	
A transcription of visual images for an A4-size page or part thereof	45,60
For a copy of visual images	68,40
A transcription of an audio record, for an A4-size page or part thereof	22,80
For a copy of an audio record	34,20

Request Fees	
Where a requester submits a request for access to information held by Suremed Health 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.	50.00
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).	
The applicable fees which will be payable are:	1,25
For every photocopy of an A4-size page or part thereof	
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,85
For a copy in a computer-readable form on:	8,55
_ Stiffy disc	79,80
_ Compact disc	
A transcription of visual images for an A4-size page or part thereof	45,60
For a copy of visual images	68,40
A transcription of an audio record, for an A4-size page or part thereof	22,80
For a copy of an audio record	34,20
To search for a record that must be disclosed (per hour or part thereof reasonably required for such search)	34,20
Where a copy of a record needs to be posted the actual postal fee is payable.	
Deposits	
Where Suremed Health 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.	
Please	