

Access to Information Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act, 2013 (Act no 4 of 2013)

Introduction

This manual is for Anglo Medical Scheme ("the **Scheme**") and will help you (the requester of information) to exercise that right and help you know how you may get access to the records we hold.

The Promotion of Access to Information Act, No.2 of 2000 ("the Act") is an Act that was passed to give effect to Section 32 of 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 Scheme is obliged to give 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 someone's privacy, commercial confidentiality of another organisation, protection of safety of individuals and property and protection of research information. and effective, efficient and good governance, in a manner which balances that right with any 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 the Scheme, recorded in paragraph 2 below and on this website.

1. Purpose of PAIA

This manual is compiled in accordance with Section 51 of the Act. It is intended to give a description of the records held by and on behalf of the 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 which they are entitled to in a quick, easy and accessible manner.

2. Contact details of the Information Officers of the Scheme

Information Officer:	Julia Le Roux
Postal Address:	PO Box 746, Rivonia, 2128
Physical Address:	144 Oxford Rd, Rosebank, 2196
Tel Number:	(011) 638 5471
Fax Number:	(011) 638 3187
E-mail Address:	julia.leroux@angloamerican.com
Website:	www.angloms.co.za

Deputy Information Officer:	Elizabeth Gröpp-Els
Tel Number:	(011) 638 2277
E-mail Address:	elizabeth.gropp-els@angloamerican.com
Deputy Information Officer:	Judith Frieze
Tel Number:	(011) 638 2208
E-mail Address:	judith.frieze@angloamerican.com

3. Further Guidance from the Information Regulator

The Information Regulator has, in terms of the Act, compiled a [PAIA 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.

. Any enquiries regarding the guide should be directed to:

Postal Address:	P.O Box 31533 Braamfontein Johannesburg 2017
Physical Address:	JD House 27 Stamens Street Braamfontein Johannesburg 2001
Telephone Number:	(010 023 5200)
E-mail Address for general enquiries:	enquiries@inforegulator.org.za
E-mail Address to lodge a complaint:	PAIAComplaints@inforegulator.org.za
Website:	www.inforegulator.org.za

4. Records of the Scheme

The Scheme holds records in the categories listed below. The fact that we list a record type here does not necessarily mean that lists are complete nor that we will disclose such records. All access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

The accessibility of the documents listed below may be subject to the grounds of refusal set out in Paragraph 5 of this manual.

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

a. Records that are automatically available

The following information is made known automatically and persons do not have to fill out a form to request such information:

- The Anglo Medical Scheme Rules;
- The Benefit Guide;
- Membership and related administration forms; and
- The MediBrief.

b. Personnel records

"Personnel" refers to any person who works for or provides services to or on behalf of the **Scheme** and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the **Scheme** and includes, without limitation, Trustees (member elected and employer appointed), all permanent, fixed term, temporary and part-time staff (employees, consultants, contractors), as well as Trustees (member elected and employer appointed).

- 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 (employment contract, workplace policies, disciplinary records, termination records; minutes of meetings; performance management records and systems);
- Internal evaluation records and other internal records;
- Correspondence relating to personnel; and
- Training schedules and material.

c. Member / beneficiary related records

A **"member/beneficiary"** refers to any natural or juristic entity that is a registered member of the **Scheme** and who is entitled to benefits and services as set out in the **Scheme** Rules,

- Records pertaining to the diagnosis, treatment or health of a member/beneficiary of the **Scheme**;
- Records provided by a member/beneficiary to a third party acting for or on behalf of the **Scheme**;
- Records provided by a third party;
- Records generated by or within the **Scheme** relating to its members/beneficiaries.

d. Private body records

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

- Financial records (including statements, tax-related documents, auditor reports, accounting records, invoices);
- Operational records;
- Information Technology;
- Communication;
- Asset register;
- Administrative records;
- Rules and benefit records;
- Statutory records;
- Governance records including but not limited to Annual Reports, Statutory Returns, Internal Policies and Procedures, notices and minutes and others; and
- Human Resource Policies and Procedures and reports.

e. Internal records relating to the business of the **Scheme**, which includes, but is not limited to:

- The registration as of Anglo Medical Scheme;
- Minutes and policies;
- Annual and other reports;
- Financial records;

- Claims records and reimbursement records;
- Records submitted to the Council for Medical Schemes;
- Application forms,
- Appeals and complaints / disputes;
- Operational records,
- Policies and procedures;
- Contracts and licences,
- Trademarks and other intellectual property;
- Marketing records;
- Other internal policies and procedures; internal correspondence;
- Statutory records;
- Insurance policies and records; and
- Records relating to the Trustees and the Principal Officer; etc.

f. Health records, which include:

- Motivations, chronic forms, etc;
- Member/beneficiary lists;
- Medical reports;
- Funding records;
- Consents and awards;
- Needs and risk assessments;
- Financial and accounts information;
- Research information;
- Actuarial information; and
- Profiling and similar information.

It must be noted that, in the health sector, personal-, health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.

g. Other party records

- Personnel, customer or private body records which are held by another party, as opposed to the records held by the **Scheme** itself.
- Records held by the **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 the **Scheme's** contractors / suppliers.
- The **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 the **Scheme**.

h. Supplier and service provider records, which include:

- Supplier registrations;
- Contracts;
- Confidentiality agreements and non-disclosure agreements,
- Communications;
- Logs and delivery records; and
- Commissioned work; and similar information, some of which might be provided to the **Scheme** by such suppliers and providers under service and other contacts.

- i. **Technical records**, which include;
 - Manuals, logs, electronic and cached information;
 - Statutory body records; and
 - Trade association information and similar product information.
- j. **Environment and market information** which include information bought; publicly available information; commissioned information which pertains to the specific sector and market of our business and factors that affect the business; information relating to professional and healthcare environment.
- k. **Records available in accordance with other legislation**
 A requester may also request information that is available in terms of other legislation, that all organisations are required to hold. A full list can be found [here](#), but is not an exhaustive list as it may change. The Scheme also holds records that the law specifically requires it to retain such as;
 - The Medical Schemes Act 131 of 1998;
 - The National Health Act 61 of 2003;
 - Medicines and Related Substances Act 101 of 1965;
 - Children's Act 38 of 2005;
 - Mental Healthcare Act 17 of 2002;
 - Choice on Termination of Pregnancy Act 92 of 1996;
 - Sterilisation Act 44 of 1998;
 - Health Professions Act 56 of 1974.

5. Grounds for refusal of access to records

The Scheme may refuse a request for information on the following basis:

- a. 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;
- b. 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 the **Scheme**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- c. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- d. Mandatory protection of the safety of individuals and the protection of property;
- e. Mandatory protection of records which would be regarded as privileged in legal proceedings;
- f. The commercial activities of the **Scheme**, which may include:
 - Trade secrets of the **Scheme**;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the **Scheme**;
 - Information which, if disclosed, could put the **Scheme** at a disadvantage in negotiations or commercial competition;
- g. The research information of the **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;

- h. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6. Access to records held by Anglo Medical Scheme

- a. Records held by the **Scheme** may be accessed by requests only once the prerequisite requirements for access have been met.
- b. A requester is any person making a request for access to a record of or held by the **Scheme**. There are two types of requesters:

Personal requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- The **Scheme** will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

Other requester

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

7. Request procedure

A requester requiring access to information held by the **Scheme** must complete this prescribed [Form 2](#), submit it to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 and pay a request fee and a deposit, if applicable.

- a. The prescribed form must be completed with enough detail to at least enable the Information Officer to identify:
- The record or records requested;
 - The requester;
 - The **Scheme** membership number of the requester, if a registered member of the **Scheme**;
 - The form of access required, if the request is granted;
 - The email address, postal address or fax number of the requester;
 - The right the requester seeks to exercise or protect and why the requester needs the requested record to exercise or protect that right;
- and must:
- provide any other way the requester would like to be informed of our decision other than in writing, and
 - provide proof of the capacity in which the requester is making the request if it is made on behalf of someone else (The Scheme will decide whether this proof is satisfactory).
- b. If the record is part of another record, the requester will only be able to access the part(s) that pertains to the information requested.
- c. If the requester does not use the standard form, the **Scheme** may reject the request due to lack of procedural compliance, refuse it if you do not provide sufficient information, or delay it.

- d. The **Scheme** will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that the above time periods should not be complied with.
- e. 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.
- f. If a request is 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.
- g. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- h. The requester must pay the prescribed fee, before any further processing can take place.
- i. Access to health information or records:
 - Where a request is made for access to information or a health record about the physical or mental health or well-being (“health information or records”) of the requester or person acting on behalf of a person to whom a record relates, and the Information Officer is of the opinion that the direct disclosure of such health information or record would cause serious harm to the requester’s physical and/or mental health or well-being, the Information Officer may, before granting the request for access, consult with a health practitioner nominated by the requester.
 - If the requester is under the age of 16 years, then a person having parental responsibilities must nominate the health practitioner or if the requester is incapable of managing his or her affairs, then a legal representative or other person appointed by the court to manage his or her affairs must nominate the health practitioner.
 - If the health practitioner is of the opinion that the disclosure of the health information or record would likely cause serious harm to the requester’s physical and/or mental health or well-being, the Information Officer may only grant access to the health information or record if the requester proves, to the satisfaction of the Information Officer, that adequate provision has been made for counselling or other arrangements before, during or after the disclosure of the health information or record to alleviate or avoid the harm to the requester. Before the requester is given access to the health information or record, the person responsible for such counselling or arrangements must be given access to the health information or record.

8. Decision

- a. The **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.
- b. The 30-day period with which the **Scheme** 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 number of information, or the request requires a search for information held at another office of the **Scheme** and the information cannot reasonably be obtained within the original 30-day period.
- c. The Information Officer will notify the requester in writing should an extension be sought.

9. Fees

a. The Act provides for two types of fees, namely:

- A [request fee](#), which will be a standard fee; and
- An [access fee](#), which the requester must pay if access is granted. It must be calculated by taking into account the time spent to handle the request, or if the time has exceeded, the prescribed hours to search and prepare the record for disclosure and reproduction costs, search and preparation time and cost, as well as postal costs.

b. When the request is received by the Information Officer, the officer will by notice require the requester to pay the prescribed request fee (if any) which will also set out the application procedure, before further processing of the request.

c. 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 deposit may be up to one third of the prescribed access fee.

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

10. Remedies available when the Scheme refuses a request for information

a. Internal remedies

The **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 have to exercise external remedies at their disposal.

b. 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 180 days of notification of the decision, apply to a court with appropriate jurisdiction, or complain to the Information Regulator at PAIAComplaints@inforegulator.org.za.

11. How the Scheme processes and protects personal information

The Scheme processes the personal information of various categories of people for various purposes.

Please refer to our website for our Privacy Statement.

11.1 Categories of people

The **Scheme** processes the personal information of the following categories of people:

- Personnel, including employees;
- beneficiaries, including children;
- contractors, vendors, or suppliers;
- Trustees; and
- related organisations like healthcare providers and other providers including administration, managed care, chronic medication designated service provider, and professional services provider.

11.2. Purpose of the processing of the described records

The purpose of processing the information contained in the records listed above, is:

- a. In relation to **the business/internal** records:
 - For good corporate governance and to comply with business, financial-, medical schemes and tax legislation.
- b. In relation to **Employees**:
 - For the execution of employer/employee agreements and labour legislation; and
 - The retention of employment records as legislated.
- c. In relation to our **Beneficiaries**:
 - For the collection of membership fees for the services so provided;
 - To provide reimbursement to defray the cost of healthcare;
 - To facilitate obtaining healthcare services and products;
 - To develop health products;
 - To mitigate risk; and.
 - For retention of records as required by law.
- d. In relation to **Suppliers and Service Providers**:
 - For the execution of the supplier and service level agreements; and
 - For record retention as legislated.

11.3 Categories of Personal Information

The **Scheme** processes many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses,
- personal details, such as names and identity numbers,
- demographic details, such as gender and age groups,
- health information, including diagnosis, treatment or health of the members of the Scheme administered by Discovery Health,
- sexual information, biometric information, information about criminal behaviour and religion; and
- financial information such as bank account numbers.

11.4 Planned trans-border flow of Personal Information

The **Scheme** has planned trans-border flow of personal information in the form of cloud storage. No other trans-border flow of information is planned beyond:

- to administer international claims; or
- if you give us an email address that is hosted outside South Africa; or
- for processing, storage or academic research; or
- to administer certain services, for example, cloud services.

11.5. The information security measures

The **Scheme** secures data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. It also takes reasonable steps to keep personal information accurate, current, complete, confidential, and reliable for its intended use.

12. Updates to this Manual

The **Scheme** will update this manual whenever material changes are made to it.

Fiona Robertson
Principal Officer
Anglo Medical Scheme