

THIS MANUAL IS FOR OR APPLIES TO POLMED.

It is intended to give a description of the records held by and on behalf of the South African Police Service Medical Scheme (POLMED); to specify grounds for refusal of access to any such records; and 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 the view of enabling requestors to obtain records which they are entitled to in a quick, easy and accessible manner.

INFORMATION MANUAL

This manual is compiled in accordance with section 51 of the Promotion of Access to Information Act (2 of 2000).

1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 (“the Act”) was passed to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights, and to provide for matters connected therewith.

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 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 POLMED recorded below and on its website.

2. CONTACT DETAILS OF THE PRINCIPAL OFFICER (INFORMATION OFFICER) OF POLMED

Principal Officer’s Name and Surname
Ms Neo Khauoe

Physical Address 37 Conrad Drive Florida North 1709	Postal Address POLMED Private Bag X16 Arcadia 0007
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Telephone Number 012 818 7500	Fax Number 012 349 1932	Email polmed@medscheme.co.za	Website www.polmed.co.za
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3. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

The South African Human Rights Commission (SAHRC) has compiled a guide, as is required in terms of section 10 of the Act, 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.

The guide is available from the SAHRC at:

Physical Address Braampark Forum 3 33 Hoofd Street Braamfontein 2001	Postal Address Private Bag X2700 Houghton 2041
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Telephone Number 011 877 3600	Website www.sahrc.org.za
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4. RECORDS OF POLMED

The accessibility of the records listed below may be subject to the grounds of refusal set out in this manual and/or the Act. The records are classified and grouped according to the following subjects and categories:

4.1 Personnel records

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

Personnel records include:

- (a) records provided by a third party relating to personnel;
- (b) conditions of employment and other personnel-related contractual and quasi-legal records;
- (c) correspondence relating to personnel; and
- (d) training schedules and material.

4.2 Client-related records

A **“client”** refers to any natural or juristic entity that receives services from POLMED and includes members/beneficiaries of POLMED.

Client-related records include:

- (a) records pertaining to the diagnosis, treatment or health of the clients/members/beneficiaries of POLMED;
- (b) records provided by a client/member/beneficiary to a third party acting for or on behalf of POLMED;
- (c) records provided by a third party; and
- (d) records generated by or within POLMED relating to its clients/members/beneficiaries.

4.3 Private body records

These records include, but are not limited to, the records which pertain to POLMED’s own affairs, for example:

- (a) internal policies and procedures;
- (b) financial records;
- (c) operational records;
- (d) product records;
- (e) communications;
- (f) information management and technology;
- (g) administrative records;
- (h) statutory records;
- (i) insurance; and
- (j) marketing and branding.

4.4 Other party records

Additional records are held pertaining to other parties such as:

- (a) employees;
- (b) officials;
- (c) consultants;
- (d) intermediaries; and
- (e) service providers.

5. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are held by POLMED in terms of other legislation, such as the:

- (a) Medical Schemes Act, 131 of 1998;
- (b) Companies Act, 71 of 1998;
- (c) Basic Conditions of Employment Act, 75 of 1997;
- (d) Employment Equity Act, 55 of 1998;
- (e) Labour Relations Act, 66 of 1995;
- (f) Long-term Insurance Act, 52 of 1998;
- (g) Short-term Insurance Act, 53 of 1998;
- (h) Financial Institutions (Protection of Funds) Act, 28 of 2001;
- (i) Electronic Communications and Transactions Act, 25 of 2002; and
- (j) The Financial Advisory and Intermediary Services Act, 37 of 2002.

The above is not a comprehensive list of legislation that may require POLMED to keep records.

6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

POLMED may refuse a request for access to records on any of the following grounds:

- (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, including a deceased individual.
- (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 where disclosure would likely cause harm to the financial or commercial interests of that third party; and
 - information disclosed in confidence to the third party, if the disclosure would put that third party at a disadvantage in negotiations or commercial competition.
- (c) Mandatory protection of confidential information of third parties if its disclosure would constitute a breach of a duty of confidence owed to a third party in terms of an agreement.
- (d) Mandatory protection of the safety of individuals and the protection of property.
- (e) Mandatory protection of records which are regarded as privileged in legal proceedings.



- (f) The commercial information of POLMED, which may include:
 - trade secrets of POLMED;
 - financial, commercial, scientific or technical information through which disclosure would likely cause harm to the financial or commercial interests of POLMED;
 - information which, if disclosed, could put POLMED at a disadvantage in negotiations or commercial competition; and
 - a computer programme which is owned by POLMED and protected by copyright.
- (g) The research information of POLMED 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, will be refused.

7. ACCESS TO RECORDS HELD BY POLMED

- (a) Records held by POLMED may be accessed by a requester only once the pre-requisite requirements for access have been met.
- (b) A requester is any person making a request for access to a record of or held by POLMED. There are two types of requesters:
 - 1. Personal requester**
 - A personal requester is a requester who is seeking access to a record containing personal information about the requester.
 - POLMED 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.
 - 2. Other requester**
 - This requester (other than a personal requester) is entitled to request access to information on third parties. POLMED is, however, not obliged to voluntarily grant access.
 - The requester must fulfill the pre-requisite requirements for access in terms of the Act, including the payment of a request and access fee.

8. REQUEST PROCEDURE

- (a) A requester requiring access to information held by POLMED must complete the prescribed form, which is published on POLMED's website together with this manual, or can be obtained by contacting the POLMED Client Service Call Centre on 0860 765 633 for a copy.
- (b) The completed form must be submitted to the Information Officer at the postal or physical address, fax number or email address recorded under paragraph 2 on pages 1 and 2; pay the request fee and make sure that the following information is included:
 - Full particulars of the record or records requested.
 - The full names, surname and identity number of the requester.
 - The form of access required, if the request is granted.
 - The postal address or fax number of the requester in the Republic of South Africa.
 - The manner in which the requester would like to be informed about the decision of the request.
- (c) The requester must state that he/she 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.
- (d) 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.
- (e) If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- (f) The requester must pay the prescribed fee, if applicable, before any further processing can take place.

9. DECISION

- (a) POLMED 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 that POLMED 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 records, and the records 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 POLMED REFUSES A REQUEST FOR INFORMATION

- a) **Internal remedies**
POLMED does not have internal appeal procedures relating to requests for information. Therefore, the decision made by the Information Officer is final. A requester who is dissatisfied with a decision of the Information Officer will have to exercise the external remedies at his/her disposal.
- b) **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 within 30 days of notification of the decision apply to the court for appropriate relief.

11. 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 must be calculated by taking into account 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, other than a personal requester, to pay the prescribed request fee (if any) 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 six hours, the Information Officer will notify the requester to pay as a deposit one third of the access fee, which would be payable if the request is granted.
- (d) The Information Officer will withhold a record until the requester has paid the applicable fees.
- (e) If a deposit has been paid in respect of a request for access, which is refused, the Information Officer will repay the deposit to the requester.

FEES FOR ACCESSING RECORDS

Where POLMED 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.	
Request Fees	
Where a requester submits a request for access to information held by POLMED on a person other than the requester himself/herself, the request fee is payable up front before POLMED will further process the request received.	R50.00
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 (VAT inclusive):	Fee
For every photocopy of an A4-size page or part thereof	R1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.85
For a copy in a computer-readable form on compact disc	R79.80
A transcription of visual images for an A4-size page or part thereof	R45.60
For a copy of visual images	R68.40
A transcription of an audio record, for an A4-size page or part thereof	R22.80
For a copy of an audio record	R34.20
To search for and prepare a record for disclosure (per hour or part of an hour reasonably required for such search and preparation)	R34.20
Where a copy of a record needs to be posted the actual postal fee is payable.	
Deposits	
Where POLMED 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 by the requester.	
The amount of the deposit is equal to one third of the amount of the applicable access fee.	

Please note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the regulations. Therefore, the fees reflected above are VAT inclusive.