

## SIZWE MEDICAL SCHEME

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### Information Manual Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000

#### 1. Introduction

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Sizwe Medical Fund is a medical scheme registered in terms of Section 20 of the Medical Schemes Act, 131 of 1998. Our reference number is 1486.

The promotion of Access to Information Act, no 2 of 2000 (***“the Act”***) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request made in terms of the Act, Sizwe Medical Scheme is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.**

This manual informs requesters for procedural and other requirements which a request must meet as prescribed by the Act. 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 Sizwe Medical Fund below.

#### 2. Contact details and general information

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**Physical Address:**  
**Nedbank Building**  
**81 Main Street, 3<sup>rd</sup> Floor**  
**Johannesburg**

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| <b>Principal Officer:</b> | <b>Neo Khauoe</b>  |
| <b>Email Address:</b>     | <a href="mailto:neo.khauoe@sizwemedfund.co.za">neo.khauoe@sizwemedfund.co.za</a> |
| <b>Telephone Number:</b>  | <b>011 298 1500</b>  |
| <b>Fax Number:</b>        | <b>011 492 1985</b>  |
| <b>Website:</b>           | <a href="http://www.sizwemedfund.co.za">www.sizwemedfund.co.za</a>               |

### 3. Guide of South African Human Rights Commission

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The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to

Postal Address:                   The South African Human Rights Commission  
PAIA  
The Research and Documentation Department  
Private Bag X2700  
Houghton  
2041  
Telephone:                        011 877 3803  
Email Address:                 [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)  
Website:                         <http://www.sahrc.org.za>

### 4. Subjects and categories on which records are held

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

#### 4.1. Trustee Records

**“Trustee”** refer to a member of the Board of Trustees charged with managing the affairs of the Fund and which has been elected or appointed in accordance with the Rules.

- Personal records provided by a trustee;
- Records provided by a third party relating to a trustee;
- Conditions of service and other service-related contractual and quasi-legal records;
- Correspondence relating to a trustee; and
- Training schedule and material.

#### 4.2. Employee Records

**“Employee”** refers to any person who works or provides services to or on behalf of Sizwe Medical Fund and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Sizwe Medical Fund and includes, without limitation, executives, all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by an employee;
- Records provided by a third party relating to an employee;

- Conditions of employment and other employee-related contractual and quasi-legal records;
- Correspondence relating to an employee; and
- Training schedule and material.

#### 4.3. Member Records

A “**member**” refers to any person who has been admitted as a member of the Fund in accordance with the Rules.

- Personal records provided by a member
- Records provided by a member to an intermediary;
- Records provided by a third party;
- Records generated by or within Sizwe Medical Fund relating to its members, including transactional records.

#### 4.4. Company Records

**Finance:**

- Financial records

**Actuarial:**

- Statutory records

**Services to members:**

- Application forms;
- Agreements or negotiation leading to agreements with service providers;
- Financial transactions;
- Treatment protocols;
- Policies; and
- General information.

**Alternate:**

- Company secretarial records;
- Product records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Treasury-related records;
- Internal Policies and Procedures;
- Securities and equities; and
- Records held by officials of Sizwe Medical Fund.

These records include, but are not limited to the records which pertain to Sizwe Medical Fund's own affairs.

#### **4.5. Other Records**

Further records are held pertaining to:

- Members;
- Trustees;
- Employees;
- Consultants;
- Intermediaries; and
- Service providers.

#### **5. Records available in accordance with other legislation**

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A requester may also request information that is available in terms of other legislation.

- Medical Schemes Act, 131 of 1998
- Administration of Estates Act, 66 of 1965
- Basic Conditions of Employment Act, 75 of 1997
- Companies Act, 61 of 1973
- Compensation of Occupational Injuries and Disease Act, 130 of 1993
- Competition Act, 89 of 1998
- Electronic Communication and Transaction Act, 25 of 2002
- Employment Equity Act, 55 of 1998
- Financial Advisory and Intermediaries Services Act, 37 of 2002
- Financial Intelligence Centre Act, 38 of 2001
- Income Tax, 58 of 1991
- Insolvency Act, 24 of 1936
- Inspection of Financial Institution Act, 80 of 1998
- Labour Relation Act, 66 of 1995
- Long-term Insurance Act, 52 of 1998
- Medical Schemes Act, 131 of 1998
- National Credit Act, 34 of 2005
- Pension Funds Act, 24 of 1956
- Pension Fund Regulations
- Policyholder Protection Rules
- Prevention and Combating of Corrupt Activities Act, 12 of 2004
- Prevention of Organised Crime Act, 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, 33 of 2004
- Securities Services Act, 36 of 2004
- Short-term Insurance Act
- Skills Development Levies Act, 9 of 1999
- Trust Property Control Act, 57 of 1988
- Employment Insurance Act, 30 of 1996
- Value-added Tax Act, 89 of 1991

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## **6. Grounds for refusal of access to records**

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Sizwe Medical Fund may refuse a request for information on the following basis:

- 6.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve unreasonable disclosure of personal information of that natural person;
- 6.2. 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 Sizwe Medical Fund, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 6.3. Mandatory protection of confidential information of a third parties if it is protected in terms of any agreement or legislation;
- 6.4. Mandatory protection of safety of individuals and protection of property;
- 6.5. Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 6.6. The commercial activities of Sizwe Medical Fund, which may include:
  - Trade secrets of Sizwe Medical Fund;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Sizwe Medical Fund;
  - Information which, if disclosed, could put Sizwe Medical Fund at a disadvantage in negotiations or commercial competition;
  - A computer program which is owned by Sizwe Medical Fund and which is protected by copyright.
- 6.7. The researched information of Sizwe Medical Fund 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 researcher at a serious disadvantage;
- 6.8. Request for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **7. Request procedure**

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- 7.1. A requester requiring access to information held by Sizwe Medical Fund must complete the prescribed Form published on Sizwe Medical Fund's website, alternatively you can contact the Principal Officer on 011 298 1500.

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- 7.2. Submit the completed form to the Principal Officer at the physical address, fax number or electronic mail address recorded in paragraph 2 of this manual and pay a request fee and a deposit, if applicable.
- 7.3. The prescribed form must be completed with enough particularity to at least enable the Principal Officer to identify:
- The record or records requested;
  - The identity number of the requester;
  - The form of access required, if the request is granted;
  - The e-mail, postal address, or fax number of the requester.
- 7.4. The requester must state that he requires the information in order to exercise or protect a right, and clearly state what 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.
- 7.5. Sizwe Medical Fund will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Principal Officer that circumstances dictate that the above time periods could not be complied with.
- 7.6. 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.
- 7.7. If a requester is made on behalf of another person, then the requester must submit a proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Principal Officer.
- 7.8. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9. The requester must pay the prescribed fee if applicable, before any further processing can take place.

## **8. Access to records held by Sizwe Medical Fund**

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

### **8.1. Personal requester**

A personal requester is requester who is seeking access to a record containing personal information about the requester.

Sizwe Medical Fund 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.

### **8.2. Other requester**

This requester (other than personal requester) is entitled to request access to information on third parties. However, Sizwe Medical Fund 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.

## **9. Decision**

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- 9.1. Sizwe Medical Fund 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.
  - 9.2. The 30 day period with which Sizwe Medical Fund has to decide whether to grant or refuse the request, may be extended for a further period of not than 30 days if the request is for large number of information, or the request requires a search for information held at another office of Sizwe Medical Fund and the information cannot reasonably be obtained within the original 30 day period. The Principal Officer will notify the requester in writing should an extension be sought.

## **10. Remedies available when Sizwe Medical Fund refuses a request for information**

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### **10.1. Internal Remedies**

Sizwe Medical Fund does have a Complaints and Dispute Resolution Committee. Therefore, the decision made by the Principal Officer can be referred to the Dispute Resolution Committee for review, within 30 days of notification of the decision.

### **10.2. External Remedies**

A requester or a third party, who is dissatisfied with the Complaints and Dispute Resolution Committee's resolution may within 30 days of notification of the decision, applies to the Council for Medical Schemes, the High Court or another court with similar status for relief.

## 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 Principal Officer, the executive will by notice require the requester, other than 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 for 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 Principal 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 Principal Officer will withhold a record until the requester has paid the fees as indicated in 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. If a deposit has been paid in respect of a request for access, which is refused, then the Principal Officer will refund the deposit to the requester.

| <b>REPRODUCTION FEES</b>   |       |
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| Where Sizwe Medical Fund has voluntarily provided the Minister with a list of categories of the 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 fee for reproduction of the record in question |       |
| <b>Request Fees</b>  |       |
| Where a requester submits a request for access to information held by Sizwe Medical Fund 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 |
| <b>Access Fees</b>   |       |

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|---|-------|
| 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 access fees which will be payable are:  |       |
| <b>The applicable fees which will be payable are: (VAT inclusive)</b>   |       |
| 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 computer-readable form on:  |       |
| ▪ Stiffy disc   | 8,55  |
| ▪ Compact disc  | 79,80 |
| 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 of an hour reasonably required for such search)   | 34,20 |
| Where a copy of a record needs to be posted the actual postal fee is payable  |       |
| <b>Deposits</b>   |       |
| Where Sizwe Medical Fund receives a request for access to information held on a person other than the requester himself/herself and the Principal Officer upon a receipt of request is of the opinion that the preparation of the required record or 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 note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulation. Therefore, the fees reflected above are VAT inclusive.