

2020

DISCOVERY HEALTH MEDICAL SCHEME

Promotion of Access to Information Act Manual

In terms of Section 51 of the
Promotion of Access to Information Act 2 of 2000

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1. Introduction

This manual extends to the information held by Discovery Health Medical Scheme, hereinafter referred to as “DHMS”/“the Scheme”. DHMS is a registered medical scheme, registration number 1125, with the Council for Medical Schemes (“CMS”) in terms of section 24 of the Medical Schemes Act 131 of 1998, as amended.

It is important to note that the administration of the Scheme has been outsourced to Discovery Health (Pty) Ltd, hereinafter referred to as “DH”/“the administrator” in terms of an administration agreement entered into between DHMS and DH. By virtue of this relationship, the administrator may assist the Scheme in fulfilling any request for information as provided for in terms of the Promotion of Access to Information Act 2 of 2000 (“the PAIA Act”).

This manual is intended to foster a culture of transparency and accountability, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the PAIA Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the PAIA Act however recognises that such a right to access to information cannot be unlimited and should be subject to justifiable limitations, 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 DHMS, recorded in paragraph 3 below.

2. Purpose of PAIA

This manual is compiled in accordance with section 51 of the PAIA Act. It is intended to provide:

- A description of the records held by DHMS and on behalf of DHMS by the administrator
- Stipulate the grounds for refusal of access to any records
- Outline the procedure to be followed and the fees payable when requesting access

3. Contact Details

3.1 General Contact Details

Company name:	Discovery Health Medical Scheme
Acting Principal Officer:	Charlotte Mbewu-Sangela
Postal address:	PO Box 786722, Sandton, 2146
Physical address:	1 Discovery Place, Ground Floor, The Ridge Corner of Rivonia Road and Katherine Street Sandton, 2196
Telephone number:	011 529 2258
Fax number:	011 539 3453
Website:	www.discovery.co.za

3.2 Information Officer Contact Details

Name: Lusani Nelufule-Mugivhi
Postal address: PO Box 786722, Sandton, 2146
Physical address: 1 Discovery Place, Ground Floor, The Ridge
Corner of Rivonia Road and Katherine Street
Sandton, 2196
Telephone number: 011 529 1271
Fax number: 011 539 3453
E-mail address: Lusanin@discovery.co.za

3.3 Deputy Information Officer Contact Details

Name: Howard Snoyman
Postal address: PO Box 786722, Sandton, 2146
Physical address: 1 Discovery Place, Ground Floor, The Ridge
Corner of Rivonia Road and Katherine Street
Sandton, 2196
Telephone number: 011 529 0304
Fax number: 011 539 3453
E-mail address: Howards@discovery.co.za

3.4 South African Human Right Commission: The PAIA Unit

The South African Human Rights Commission is required in terms of the PAIA 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:

Name: The PAIA Unit: Information and Communications
Postal address: Private Bag X2700, Houghton, 2041
Physical address: South African Human Rights Commission: PAIA Unit
33 Hoofd Street
Braampark Forum III
Braamfontein
Telephone number: 011 484 8300
Fax number: 011 484 1360
Website: www.sahrc.org.za
E-mail address: PAIA@sahrc.org.za

4. Records of DHMS

Section 50 of the PAIA Act stipulates that:

A requester must be given access to any record of a private body if:

- a. that record is required for the exercise or protection of any right;
- b. that person complies with the procedural requirements in the act relating to a request for access to that record;
- c. access to that record is not refused in terms of any ground for refusal contemplated in chapter 4 of the act.

The accessibility of the documents may be subject to grounds for refusal as set out in [part 5](#) of this manual.

Records are broadly classified and grouped according to the following subjects and categories:

4.1 Personnel Records

- 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.

"Personnel" refers to any person who works for or provides services to or on behalf of DHMS and that receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of DHMS and includes, without limitation, the Trustees, all permanent, temporary and part-time staff, as well as contract workers.

4.2 Member/Dependant/Customer Related Records

- Records provided by a member, dependant or customer to DHMS;
- Records provided by a member, dependant or customer to a third party acting for or on behalf of DHMS;
- Records provided by a third party;
- Records generated by or within DHMS relating to members/dependants or customers.

The terms member and dependant refer to the terms as defined in the DHMS Rules. The term customer refers to any natural or juristic entity that receives services from DHMS, other than a member/dependant.

4.3 Scheme Records

These records include, but are not limited to, the records which pertain to DHMS' own affairs:

- Financial records;
- Operational records;
- Information technology policies and procedures;
- Marketing and communication records;
- Administrative records;
- Statutory records;
- Internal policies and procedures; and
- Human resource records.

4.4 Other Party Records

DHMS 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 DHMS:

- Personnel, member, dependant, customer or private body records which are held by another party, as opposed to the records held by DHMS itself.
- Records held by DHMS 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 contractors/suppliers.

5. Grounds for Refusal to Access Records

DHMS may refuse a request for information. The basis on which DHMS may refuse a request for information have been detailed below:

A. Mandatory Protection of Privacy of Third Party who is Natural Person

A request for access to a record may be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

B. Mandatory Protection of Commercial Information of Third Party

A request for access to a record may be refused if the record contains

- Trade secrets of a third party;
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected
 - To put that third party at a disadvantage in contractual or other negotiations; or
 - To prejudice that third party in commercial competition.

C. Mandatory Protection of Certain Confidential Information of Third Party

A request for access to a record may be refused if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

D. Mandatory Protection of Safety of Individuals, and Protection of Property

A request for access to a record may be refused

- If its disclosure could reasonably be expected to endanger the life or physical safety of an individual; or
- If its disclosure would be likely to prejudice or impair
 - The security of
 - A building, structure or system, including, but not limited to, a computer or communication system;
 - A means of transport; or
 - Any other property; or
 - Methods, systems, plans or procedures for the protection of
 - An individual in accordance with a witness protection scheme;
 - The safety of the public, or any part of the public; or
 - The security of property.

E. Mandatory Protection of Records Privileged from Production in Legal Proceedings

A request for access to a record may be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

F. Commercial Information of Private Body

A request for access to a record may be refused if the record

- Contains trade secrets of the private body;
- Contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;
- Contains information, the disclosure of which could reasonably be expected
 - To put the private body at a disadvantage in contractual or other negotiations; or

- To prejudice the body in commercial competition; or
- Is a computer programme, as defined in [section 1\(1\)](#) of the Copyright Act 98 of 1978 as amended, owned by the private body, except insofar as it is required to give access to a record to which access is granted in terms of this act.

G. **Mandatory Protection of Research Information of Third Party, and Protection of Research Information of Private Body**

A request for access to a record may be refused if the record

- Contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose
 - The third party;
 - A person that is or will be carrying out the research on behalf of the third party; or
 - The subject matter of the research, to serious disadvantage.
- Contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose
 - The private body;
 - A person that is or will be carrying out the research on behalf of the private body; or
 - The subject matter of the research, to 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 DHMS**

Records held by DHMS 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 DHMS.

There are two types of requesters:

6.1 **Personal Requester**

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

6.2 **Other Requester**

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

7. **Request Procedure**

A requester requiring access to information held by DHMS or by the administrator on behalf of DHMS, must complete the prescribed form, enclosed herewith as [Annexure A](#), submit it to the information officer at the postal or physical address, fax number or electronic mail address recorded in [section 3](#) of this manual and pay a request fee and a deposit, if applicable (refer [section 8](#) and [Annexure B](#) of this manual).

The prescribed form:

- Must be completed comprehensively to at least enable the information 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 postal address or fax number of the requester.
- The requester must also
 - State that he requires the information in order to exercise or protect a right,
 - 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.

DHMS 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 not are complied with.

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.

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.

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

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

7.1 Access to Health Records

If the information officer is of the opinion when dealing with access to health or other records provided by a health practitioner in his or her capacity as such about the physical or mental health, or well-being-

Of the requester; or if the request has been made on behalf of the person to whom the record relates ("relevant person"), that the disclosure of the record to the relevant person might cause serious harm to his or her physical or mental health or well-being, the information officer may, before giving access consult with a health practitioner who, has been nominated by the relevant person.

If the relevant person is

- Under the age of 16 years, a person having parental responsibilities for the relevant person must make the nomination; or
- Incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.

If, after being given access to the record concerned, the health practitioner consulted is of the opinion that the disclosure of the record to the relevant person, would be likely to cause serious harm to his or her physical or mental health, or well-being, the information officer may only give access to the record if the requester proves that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the record to limit, alleviate or avoid such harm to the relevant person. Before access to the record is given to the requester, the person responsible for such counselling or arrangements must be given access to the record.

7.2 Decision

DHMS 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.

The 30-day period with which DHMS has to decide whether to grant or refuse the request, may be extended for a further period if the request is for a large volume of information, or the request requires a search for information 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 required.

7.3 Remedies Available when DHMS Refuses a Request for Information

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.

A requester or a third party, who is dissatisfied with an information officer's refusal to disclose information or the disclosed information, may within 30 days of notification of the decision, apply to the constitutional court, the high court or another court of similar status for relief.

8. Fees

The PAIA 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.

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 (refer to [Annexure B](#) of this manual).

The information officer will withhold a record until the requester has paid the fees as indicated.

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.

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.

9. Reproduction Fees

Where DHMS 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.

ANNEXURE A: PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM C - REQUEST FOR ACCESS TO RECORDS HELD BY DISCOVERY HEALTH MEDICAL SCHEME (IN TERMS OF SECTION 53(1) OF THE PROMOTION OF INFORMATION ACT, NO 2 OF 2000 [REGULATION 10])

A. Particulars of Discovery Health Medical Scheme

The Information Officer
 Discovery Health Medical Scheme
 Postal address: PO Box 786722, Sandton, 2146
 Physical address: 1 Discovery Place, Ground Floor, The Ridge, Corner of Rivonia Road and Katherine Street Sandton, 2196

B. Particulars of Person Requesting Access to the Record

- a. *the particulars of the person who requests access to the records must be recorded below.*
- b. *furnish an address and/or fax number in the republic to which information must be sent.*
- c. *proof of the capacity in which the request is made, if applicable, must be attached*

Full names and surname: _____
 Identity number: _____
 Postal address: _____
 Telephone number: _____
 Fax number: _____
 E-mail address: _____

C. 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: _____
 Capacity in which request is made, when made on behalf of another person:

D. Particulars of Record

- a. *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- b. *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.

1. Description of the record or relevant part of the record:

2. Reference number, if applicable:

3. Any further particulars of the record:

E. Fees

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- You will be notified of the amount of the request fee.*
- The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.*
- If you qualify for exemption of the payment of any fee, please state the reason therefore.*

Reason for exemption of payment of the fee:

F. Form of Access to the 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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X . Note: <ol style="list-style-type: none"> <i>Your indication as to the required form of access depends on the form in which the record is available.</i> <i>Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.</i> <i>The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i> 	

1. If the record is in written form:

<i>copy of record*</i>	<i>inspection of record</i>
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2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<i>view the images</i>	<i>copy the images*</i>	<i>transcription of the images*</i>
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3. If record consists of recorded words or information which can be reproduced in sound:

<i>listen to the soundtrack (audio cassette)</i>	<i>transcription of soundtrack* (written or printed document)</i>
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4. If record is held on computer or in an electronic or machine-readable form:

<i>printed copy of the record*</i>	<i>printed copy of information derived from the record*</i>	<i>copy in computer readable form* (flash drive or compact disc)</i>
------------------------------------	---	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Note: a postal fee is payable.

YES	NO
-----	----

G. Particulars of Right to be Exercised or Protected

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.

1. Indicate which right is to be exercised or protected:

2. Explain why the requested record is required for the exercising or protection of the aforementioned right:

H. 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 informed thereof in another manner, please specify 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

FOR INTERNAL USE ONLY					
Reference number	_____				
Request received by <i>(name of Information Officer/Deputy Information Officer)</i>	_____				
Request approved	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO	YES	NO
YES	NO				
YES	NO				
Declined <i>(if declined) letter sent on</i>	_____				
Fees Payable					
Request fee (if any)	_____				
Deposit (if any)	_____				
Access fee	_____				
Total fees payable	_____				
Confirmation of fees paid	_____				

Signature of Information Officer/Deputy Information Officer _____

ANNEXURE B: FEES

COPIES OF PAIA MANUAL

Copies of the Discovery Health Medical Scheme PAIA manual are chargeable as per the fee tables below.

Reproduction fees

TYPE OF RECORD	FEE
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form ..	R0.75
For a copy in a computer-readable form on:	
• Flash drive	R7.50
• Compact disc	R70.00
A transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
A transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00 per hour

Request fees

Where a requester submits a legitimate request for access to information held by the Scheme on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the request will be processed.

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 PAIA Act or an exclusion is determined by the minister in terms of section 54 (8) of the PAIA Act.

The applicable access fees payable are

TYPE OF RECORD	FEE
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form ..	R0.75
For a copy in a computer-readable form on:	
• Flash drive	R7.50
• Compact disc	R70.00
A transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
A transcription of an audio record, for an A4-size page or part thereof	R20.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	R30.00 per hour

Where a copy or a record needs to be posted, the actual postal fee is payable.

Deposits

Where DHMS receives a legitimate 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 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Note: in terms of regulation 8, value added tax (VAT) must be added to all fees prescribed in terms of the regulations.

These fees are subject to amendment without notice.