

## **PG GROUP MEDICAL SCHEME PROTECTION OF INFORMATION MANUAL**

### **1. Introduction**

PG Group Medical Scheme, a responsible corporate citizen, aims and endeavours to pursue and comply with all relevant and applicable legislation within reason and its sphere of control.

The Promotion of Access to Information Act No. 2 of 2000 ("the Act") provides for the right of access to information, which fosters a culture of transparency and accountability in both public and private bodies.

However, the right of 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.

### **2. Purpose**

The objective of this manual is to provide clarity on dealing with requests for access to information of the PG Group Medical Scheme whilst complying with the Promotion to Access to Information Act (PAIA) 2 of 2000.

The PG Group Medical Scheme do not waive its right to refuse any party access to any information, and strictly reserve its right to do so as far as may be permitted by law.

### **3. Grounds for Refusal**

The grounds for refusing a request for information can relate to, without limitation:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of the commercial information of a third party;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- Mandatory protection of the safety of individuals and protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- Mandatory protection of the commercial activities of PG Group Medical Scheme;
- Requests for the disclosure of information which require third party consent; and
- Requests for information that are clearly frivolous or which involve an unreasonable diversion of resources shall be refused.

### **4. Access to Records Held**

Records held by PG Group Medical Scheme may be accessed by requests only once the prerequisite requirements for access have been met.

All Scheme and member information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- Where disclosure is under compulsion of law;
- Where there is a duty to the public to disclose;
- Where the interests of the Scheme require disclosure; and
- Where disclosure is made with the express or implied consent of the data subject.

## **5. Requester**

A requester is any person making a request for access to a record of PG Group Medical Scheme.

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 (to the personal requester only) subsequent positive identification of the requester.

The requester (other than a personal requester) is entitled to request access to information on third and/or related 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.

## **6. Request**

A request must be directed to the PG Group Medical Scheme Information Officer, and the prescribed form must be sent to his/her address, facsimile number or e-mail address, or may be provided to the requester by PG Group Medical Scheme.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester's identity. When completing a request on the prescribed form, the requester should also indicate:

- The preferred language if applicable;
- Whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
- Facsimile number, e-mail and/or postal address.

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 PG Group Medical Scheme Information Officer.

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

The requester must pay the prescribed fee (as determined and published by the Department of Justice and Constitutional Development) before any further processing can take place (refer to Annexure A for additional information).

The form must be adequate and appropriately completed, with sufficient information particularly so that the PG Group Medical Scheme Information Officer can identify:

- From where and from whom the request is made;

- What record(s) are being requested; and
- What the access fee will be should access be granted.

## **7. Prescribed Form**

The prescribed form (refer Annexure B, Form C) is also available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za)

## **8. Fees**

Refer to Annexure A for additional information.

The Act provides for two types of fees (contemplated in regulation 9, 11 and 54 of the Act), namely:

- A request fee, i.e. when requested by a party other than a personal requester; 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 PG Group Medical Scheme Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (unless accepted), before further processing of the request.

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 PG Group Medical Scheme Information Officer shall 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 PG Group Medical Scheme Information Officer shall withhold a record until the requester has paid the required fees.

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 PG Group Medical Scheme Information Officer must refund the deposit to the requester.

## **9. Decision**

The PG Group Medical Scheme will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within 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 quantity 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. The Scheme will notify the requester in writing should an extension be sought.

## 10. Remedies Available on Refusal of a Request for Information

### Internal Remedies

PG Group Medical Scheme does not have an internal appeal procedure. The Courts will have to be approached if the request for information is refused by the PG Group Medical Scheme Information Officer, and the requester wishes to appeal this decision made by the Information Officer.

### External Remedies

A requester who is dissatisfied with the PG Group Medical Scheme Information Officer's refusal to disclose information, may, within 180 days of notification of this decision, apply to a Court for relief. Likewise, a third party dissatisfied with the PG Group Medical Scheme Information Officer's decision to grant a request for information, may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrates Court.

## 11. Records that Cannot be Found

If PG Group Medical Scheme searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

## 12. Records that Predate Required Retention Periods

Requests for information relating to documentation that predates required retention periods will not be facilitated.

## 13. Information Officer

	<b>Information Officer</b>	<b>Deputy Information Officer</b>
<b>Name:</b>	Lyn Longley	Theo Rochussen
<b>Telephone Number:</b>	+27 (0) 11 417 5800	+27 (0) 11 417 5800
<b>Facsimile Number:</b>		+27 (0) 86 211 8353
<b>Postal Address:</b>	PO Box 2329, Bedfordview, 2008	PO Box 2329, Bedfordview, 2008
<b>Physical Address:</b>	18 Skeen Boulevard, Bedfordview, 2007	18 Skeen Boulevard, Bedfordview, 2007
<b>Email Address:</b>	llongley@pg.co.za	trochussen@pg.co.za

## 14: Reference: PG Group Guidelines for Dealing with Access to Information

## ANNEXURE A

### FEEs IN RESPECT OF PRIVATE BODIES

- 1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) of the Promotion to Access Information Act is R 1,10 for every photocopy of an A4-size page or part thereof.
- 2 The fees for reproduction referred to in regulation 11(1) are as follows:
 

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in machine readable form	0,75
(c) For a copy in a computer-readable form on:	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is 50,00
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - (1) (a) For every photocopy of an A4-size page or part thereof 1,10
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form 0,75
  - (c) For a copy in a computer-readable form on:
    - (i) Stiffy disc 7.50
    - (ii) Compact disc 70,00
  - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
  - (ii) For a copy of visual images 60,00
  - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
  - (ii) For a copy of an audio record 30,00
  - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
- (2) For purposes of section 54(2) of the Act, the following applies:
  - (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to requester.

**ANNEXURE B**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
FORM C**