



MANUAL

As prescribed by the provisions of

THE PROMOTION OF ACCESS TO INFORMATION ACT

Act 2 of 2000

“PAIA”

❖ Introduction

This manual extends to the information held by CMP Medical Aid Scheme, hereinafter referred to as "CMP". CMP is a registered medical scheme, registration number 1034, with the Council for Medical Schemes "CMS" in terms of Section 24 of the Medical Schemes Act of 1998, as amended.

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 PAIA in order for them to exercise their rights in relation to public and private bodies.

Section 9 of PAIA 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 and any other rights, including such rights contained in the Bill of Rights in the Constitution.

This manual is available for inspection free of charge as the physical address of CMP, or on our website, as recorded below.

❖ Purpose of PAIA

This manual is compiled in accordance with Section 51 of PAIA. It is intended to provide

- ❖ A description of the records held by CMP
- ❖ Stipulate the ground for refusal of access to any records
- ❖ Outline the procedure to be followed and the fees payable when requesting access

1. Particulars of CMP

| | |
|----------------------|---|
| Name: | CMP Medical Aid |
| Registration number: | 1034 |
| VAT number: | N/A |
| Head: | Mrs Charlene Schoeman (The Principal Officer) |
| Email address: | principal@cmp.co.za |
| Information Officer: | Mrs Charlene Schoeman |
| Street Address: | Unit 5, Sunbird Office Park, Pasita Street, Tygervalley, 7530 |
| Website address: | www.cmp.co.za |
| Telephone number: | 021 937 8300 |

2. Official PAIA Guide

The South African Human Rights Commission have been required in terms of PAIA 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 PAIA, in a manner that is easily comprehensible to any such person. Any queries concerning the guide should be referred to the Human Rights Commission (website <https://www.sahrc.org.za/>), or the Information Regulator (website <https://inforegulator.org.za/>) appointed in terms of POPI (the Protection of Personal Information Act, 2013)

3. Applicable Legislation

All records that are legally required to be kept by CMP in terms of any applicable legislation, including the following legislation, are available subject to PAIA:

- Medical Schemes Act
- Companies Act
- Health Professions Act
- Council for Medical Schemes Levies Act
- The Labour Relations Act
- Employment Equity Act

- Basic Conditions of Employment Act
- Compensation of Occupational Injuries and Diseases Act
- Unemployment Insurance Act
- Financial Advisory and Intermediary Services Act
- Any other legislation relevant to the business concerned

❖ **Records of CMP Medical Aid**

Section 50 of PAIA stipulates that:

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

- ❖ That record is required for the exercise or protection of any right;
- ❖ That person complies with the procedural requirements in PAIA relating to a request for access to that record;
- ❖ Access to that record is not refused in terms of any grounds for refusal contemplated in Chapter 4 of PAIA.

The accessibility of the documents may be subject to grounds for refusal as set out in Item 7 of this manual.

4. Access To Records Held by CMP

Records held by CMP 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 CMP.

There are two types of requesters:

a) Personal Requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- CMP will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information.

b) Other Requester

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

5. Request Procedure

A requester requiring access to information held by CMP must complete the prescribed Form C, a copy of which is attached hereto and marked Annexure A. The form is also available from the website of the Department of Justice at www.doj.gov.za

The applicable fee will be advised upon request.

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 of the requester.

The requester must also

- ❖ State that he/she 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.

CMP 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 are not 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.

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

❖ **Staff Records**

- ❖ Personal records provided by staff;
- ❖ Records provided by a third party relating to staff;
- ❖ Condition of employment and other staff-related contractual and quasi-legal records;
- ❖ Internal evaluation records and other internal records;
- ❖ Correspondence relating to staff; and
- ❖ Training and schedules and material

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

❖ **Member/Dependant/Customer Related Records**

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

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

❖ **Scheme Records**

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

- ❖ Financial records;
- ❖ Operational records;
- ❖ Information and Technology policies and procedures;
- ❖ Marketing and Communication records;
- ❖ Administrative records;
- ❖ Statutory records;
- ❖ Internal Policies and Procedures; and
- ❖ Human Resources records.

❖ Other Party Records

❖ CMP 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 CMP:

- ❖ Personnel, member, dependant, customer or private body records which are held by another party, as opposed to the records held by CMP itself.
- ❖ Records held by CMP, 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.

❖ 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 physical or mental health, or well-being or 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. Grounds for refusal to access records

CMP may refuse a request for information. The basis on which CMP may refuse a request has been detailed below:

a) Mandatory protection of privacy of third party who is a 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 a 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
- ❖ Prejudice that third party in commercial competition.

c) Mandatory protection of certain confidential information of a 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 program, 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

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

8. Information or records not found

- ❖ If a requested record cannot be found or the records do not exist, the Scheme's General Manager or a requested person must by way of an affidavit or an affirmation, notify the requester that it is not possible to give access to the requested record.
- ❖ The affidavit or affirmation will provide an explanation of the steps taken to find the record.
- ❖ This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA.
- ❖ If the record is found at a later stage, the requester must be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Scheme's General Manager or the requested person.

- ❖ The attention of the requester is drawn to the provisions of Chapter 4 of PAIA in terms of which the CMP may refuse, on certain grounds, to provide information to the requester.

9. Decision

CMP will within 30 days of receipt of the requester, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period with which CMP 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.

10. Remedies available when CMP refused 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.

11. 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 required to be paid as the request fee.
- The fee payable for access to a record depends on the form in which 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 for exemption.

12. The details regarding the processing of personal information as envisaged in POPI (the Protection of Personal Information Act, 2013) are as follows:

| | |
|---|---|
| Purpose of processing | To provide the services offered by CMP to its members and their dependents, as well as comply with legislative and regulatory requirements imposed on the medical scheme. |
| Categories of data subjects | Medical scheme Members and their dependents, services providers, employees and contractors. |
| Categories of information | Names, identity numbers, address, contact details, physical and mental health, biometrics, wellbeing, disability, language, gender, employment, banking, pregnancy, marital status and correspondence. |
| Recipients of information | Hospitals, doctors, specialists, pharmacies, principal members, service providers and the Council for Medical Schemes. |
| Trans-border information flow | No personal information will be exported from the Republic of South Africa. |
| Information security measures implemented | Premises and data access controls are in place. Regular data backup and offsite data storage are in place. Latest anti-virus software and system monitoring software are used. UPS systems and air-condition systems in server rooms are used. Policies are in place pertaining to disaster procedures, computer and network usage, online access, internet access, passwords, and document management. |

13. Information Automatically Available

The following categories of records are automatically available for inspection, purchase or photocopying, and can be requested from the Information Officer.

- Newsletters;
- Pamphlets/Brochures;
- Advertising material.

Annexure A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

A. Particulars of private body

To: The Information Officer: Mrs C Schoeman

Street Address: Unit 5, Sunbird Office Park, Pasita Street, Tygervalley, 7530

Email address: principal@cmp.co.za

Telephone number: 021 937 8300

B. Particulars of the person requesting access to the record

- a) *The particulars of the person who requests access to the record must be given below.*
- b) *The address in the Republic to which the information is to 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.....

Email address.....

C. Particulars of the 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.....

D. Particulars of the person on whose behalf request is made

- a) Provide full particulars of the record 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 record or relevant part of the record:

.....
.....

2. Reference number, if available:

.....
.....

3. Any further particulars of record:

.....
.....

E. Fees

- a) 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.
- b) You will be notified of the amount required to be paid as the request fee.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepared a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....
.....
.....
.....

F. Form of access to 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:.....

Notes:

- a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- b) Access in the form requested may be refused in certain circumstances. In such case you will be informed if the access will be granted in another form.
- c) The fees payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an **X**

1. If the record is in written or printed form:

| | | | |
|--|-----------------|--|----------------------|
| | Copy of record* | | Inspection of record |
|--|-----------------|--|----------------------|

2. If the record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

| | | | | | |
|--|-------------|--|---------------------|--|------------------------------|
| | View images | | Copy of the images* | | Transcription of the images* |
|--|-------------|--|---------------------|--|------------------------------|

3. If the record consists of recorded words or information which can be reproduced in sound:

| | | | | | |
|--|---|--|--|--|--|
| | Listen to the soundtrack (audio cassette) | | Transcription of soundtrack* (written or printed document) | | |
|--|---|--|--|--|--|

4. If the record is held on computer or in an electronic or machine readable form:

| | | | | | |
|--|-----------------------|--|--|--|--|
| | Print copy of record* | | Printed copy of information derived from the record* | | Copy in computer readable form* (cd or flashdrive) |
|--|-----------------------|--|--|--|--|

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you (postage is payable)? YES..... NO.....

G. Particulars of right to be exercised or protected

If the space provided 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 record requested is required for the exercise 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 in another manner, please specify the manner 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.....this day.....of.....year.....

.....

Signature of requester/Person on whose behalf request is made