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|  | MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000 (AS AMENDED) | | | |
| | Author: | SAMWUMED INFORMATION OFFICER | Issue Date: | JULY 2024 |
| | Approver: | SAMWUMED INFORMATION OFFICER | Review Date: | JULY 2025 |
| | Doc. No: | APO014-04 | Issue No: | 04 |



**MANUAL PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000 (AS AMENDED)**

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PART A

Process Owners

SAMWUMED INFORMATION OFFICER

SAMWUMED EXCO

Intent of this Manual

- i. The Promotion of Access to Information Act (PAIA) requires all public and private bodies in South Africa to possess a Manual. The Manual essentially explains to interested persons or bodies how to gain access to records and information held by the Manual owner i.e., SAMWUMED.

Responsibilities


| Area | Responsibility |
|---------------------|----------------|
| Information Officer | Annual Review |
| SAMWUMED EXCO | Annual Review |

Related Documents

- SAMWUMED Protection of Personal Information Act No.4 of 2013 (South Africa) (POPI) Policy; and
- SAMWUMED Customer Privacy Notice.

Abbreviations and Definitions

| Abbreviation / Term | Description / Definition |
|---------------------|---------------------------------------------------------------------------------------------------------------------|
| Data Subject | Any person who can be identified through name, online identifier, identity factor or similarly as a natural person. |
| EXCO | Executive Committee |
| IO | Information Officer |

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|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| PO | Principal Officer |
| Personal Information | Information relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person. |
| SAMWUMED | South African Municipal Workers’ Union National Medical Scheme. |
| The Scheme | South African Municipal Workers’ Union National Medical Scheme. |

PART B: POLICY

1 Purpose and Scope


1.1. This Manual is compiled in accordance with Section 51 of the Act. It is intended to give a description of the records held by and on behalf of SAMWUMED; to stipulate grounds for refusal of access to any such records; 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 a view of enabling requestors to obtain records which they are entitled to in a quick, easy and accessible manner.

2 Information Required Under Section 51(1)(a) of the Act

SAMWUMED Information Officer: Francina Mosoeu
 SAMWUMED Deputy Information Officer: Abigail Le Roux
 Postal Address of SAMWUMED: P. O Box 134 Athlone 7760
 Street Address of SAMWUMED: Cnr. Trematon & Lascelles Streets; Athlone 7760
 Tel. No. of SAMWUMED: (021) 697 9500
 Fax No. of SAMWUMED: (021) 696 3505
 E-mail Address of SAMWUMED: francinam@samwumed.org and/or legalcompliance@samwumed.org

3 Description of Guide Referred to In Section 10

3.1. A Guide has been updated and made available in terms of Section 10(1) of PAIA by the Information Regulator. It contains information in an easily comprehensible form and manner, as may be reasonably

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required by a person wishing to exercise any right contemplated by PAIA and POPIA. It is available in all of the official languages and braille.

3.2. The Guide is available for inspection or for copies to be made by interested persons at SAMWUMED offices, as well as at the office of the Information Regulator during normal working hours.

3.3. Kindly refer to the website of the Information Regulator for further information: <https://www.justic.gov.za/inforeg/>.

3.4. Records available in terms of other legislation are as follows:

3.4.1. The Medical Schemes Act 131 of 1998

3.4.2. The Labour Relations Act 66 of 1995

3.4.3. The Employment Equity Act 55 of 1998

3.4.4. The Basic Conditions of Employment Act 75 of 1997

The above is not an exhaustive list of statutes that may require SAMWUMED to keep records.


4 Records Automatically Available

4.1. No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

5 Subjects and Categories of Records held by SAMWUMED

5.1. General information about SAMWUMED can be accessed via the internet on www.samwumed.org which is available to all persons who have access to the internet.

5.2. The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act.

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5.3. The accessibility of the documents listed below may be subject to the grounds of refusal set out below in this Manual. The information is classified and grouped according to records relating to the following subjects and categories:

5.3.1. Personnel Records

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

5.3.2. Client Related Records

5.3.2.1. A “client” refers to any natural or juristic entity that receives from SAMWUMED;


5.3.2.2. “Records” refer to:

- 5.3.2.2.1. Any records pertaining to the diagnosis, treatment or health of the clients of SAMWUMED and members for the medical scheme administered by MIP;
- 5.2.2.2.2. Records provided by a client to a third party acting for or on behalf of SAMWUMED;
- 5.2.2.2.3. Records provided by a third party;
- 5.2.2.2.4. Records generated by or within SAMWUMED relating to its clients.

5.3.3. Private Body Records

5.3.3.1. These records include, but are not limited to, the records which pertain to:

- 5.3.3.1.1. SAMWUMED’s own affairs.
- 5.3.3.1.2. Financial Records;
- 5.3.3.2.3. Operational Records;
- 5.3.3.2.4. Information Technology;
- 5.3.3.2.5. Communication;
- 5.3.3.2.6. Administrative records;
- 5.3.3.2.7. Product records;
- 5.3.3.2.8. Statutory records;

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5.3.3.2.9. Internal Policies and Procedures; and

5.3.3.2.10. Human Resources.

5.3.4. Other Party Records

5.3.4.1. Personnel, customer, or private body records which are held by another party, as opposed to the records held by SAMWUMED itself.

5.3.4.2. Records held by SAMWUMED 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 SAMWUMED’s contractors/ suppliers.

5.3.4.3. SAMWUMED 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 SAMWUMED.

6 Purpose of Processing of Personal Information


- 6.1. To support sales and marketing activities.
- 6.2. To render critical and appropriate services to Members.
- 6.3. To support recruitment and management of staff.
- 6.4. To support engagement with suppliers and service providers.
- 6.5. To support engagement with the general public.

7 Data Subjects Categories and their Personal Information

- 7.1. Members: record of member life cycle
- 7.2. Employees: record of employee life cycle
- 7.3. Suppliers: record of supplier life cycle
- 7.4. Service Providers: record of service provider life cycle
- 7.5. General public: tracking general enquiries and website visits

8 Planned Recipients of Personal Information

- 8.1. Statutory authorities

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- 8.2. Law enforcement
- 8.3. Tax authorities
- 8.4. Medical schemes
- 8.5. Employee pension and provident funds
- 8.6. Industry bodies

9 Security Measures to Protect Personal Information


- 9.1. Physical security measures
- 9.2. Cyber security measures
- 9.3. Training in information security
- 9.4. Policies information security
- 9.5. Audits of information security

10 Detail on how to make a Request for Access

- 10.1. The requestor must complete Form C and submit this Form together with a request fee, to the head of SAMWUMED. The Form must be submitted to the head of SAMWUMED at their address, fax number, or electronic mail address as stated earlier in this Manual.
- 10.2 Form of request:
 - 10.2.1. The requestor must use the prescribed Form, as attached in terms of Article 8 of this Manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [S 53(1)].
 - 10.2.2. The requestor must provide sufficient detail on the request Form to enable the designated head to identify the record and the requestor.
 - 10.2.3. The requestor should indicate which form of access is required.
 - 10.2.4. The requestor should indicate if any other manner is to be used to inform the requestor and state the necessary particulars to be so informed [S 53(2)(a) and (b) and (c)].

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- 10.2.5. The requestor must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise of protection of that right [S 53(2)(d)].
- 10.2.6. If a request is made on behalf of another person, the requestor must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the designated head of the private body [S 53(2)(f)].
- 10.2.7. A requestor who seeks access to a record containing personal information about that requestor is not required to pay the request fee.
- 10.2.8. Every other requestor, who is not a personal requestor, must pay the required request fee.
- 10.2.9. The designated head of the private body must notify the requestor (other than a personal requestor) by notice, requiring the requestor to pay the prescribed fee (if any) before further processing the request [S 54(1)].
- 10.2.10. The fee that the requestor must pay to a private body is currently R50.00. The requestor may lodge an application to the court against the tender or payment of the request fees [S 54(3)(b)].
- 10.2.11. After the designated head of the private body has made a decision on the request, the requestor must be notified in the required form.
- 10.2.12. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [S 54(6)].
- 10.3. SAMWUMED may refuse a request for information on the following basis (Grounds for refusing a request):
 - 10.3.1. 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.
 - 10.3.2. Mandatory protection of the commercial information of a third party, if the record contains:
 - 10.3.2.1. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and

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- 10.3.2.2. Information disclosed in confidence by a third party to SAMWUMED, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 10.3.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- 10.3.4. Mandatory protection of the safety of individuals and the protection of property.
- 10.3.5. Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 10.3.6. The information contains proprietary information relating to the commercial activities of SAMWUMED which may include:
 - 10.3.6.1. Trade secrets of SAMWUMED;
 - 10.3.6.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of SAMWUMED;
 - 10.3.6.3. Information which, if disclosed, could put SAMWUMED at a disadvantage in negotiations or commercial competition;
 - 10.3.6.4. A computer program which is owned by SAMWUMED and which is protected by copyright;
 - 10.3.6.5. The research information of SAMWUMED 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.
- 10.3.7. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

11 Decision

- 11.1. SAMWUMED will, within thirty (3) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 11.2. The thirty (30) day period within which SAMWUMED has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days if the request is for a large amount of information, or the request requires a search for information and the information

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cannot reasonably be obtained within the original (30) day period. The Information Officer will notify the requester in writing should an extension be sought.

12 Remedies Available when SAMWUMED Refuses a Request for Information

12.1. Internal Remedies

12.1.1. SAMWUMED does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requestors who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

12.2. External Remedies

12.2.1. A requestor or a third party, who is dissatisfied with an Information Officer’s refusal to disclose information, or the disclosed information may within thirty (30) days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

13 Fees in Respect of Private Bodies

13.1. The following is a breakdown of the fees structure for purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated.

13.2. As part of the Government Gazette published on 27 August 2021, Annexure B: Fees, pertaining to Fees in Respect of private Bodies provides as follows: – 2002:

13.2.1. The request fee payable by every requestor is R140.00.

13.2.2. A photocopy / printed black and white copy of an A4-size page is R2.00 per page or part thereof.


13.2.3. A printed copy of an A4-size page is R2.00 per page or part thereof.

13.2.4. For a copy in a computer-readable form on: –

13.2.4.1. A flash drive that is to be provided by the requestor is R40.00; or

13.2.4.2. A compact disc, if provided by the requestor is R40.00 and if provided to the requestor is R60.00.

13.2.5. Transcriptions of visual images per A4-size pages and copies of visual images are services to be outsourced and will depend on the quotation received from the service provider.

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13.2.6. Transcriptions of audio records, per A4-size page is R24.00.

13.2.7. A copy of an audio record on: –

13.2.7.1. A flash drive which is to be provided by the requestor is R40.00; and

13.2.7.2. A compact disc, if provided by the requestor is R40.00 and if provided to the requestor is R60.00.


13.2.8. To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation is R145.00, and shall not exceed a total cost of R435.00.

13.2.9. The deposit, if a search exceeds 6 hours is one third of the amount per request, calculated in terms of 13.2.2 to 13.2.7 above.

13.2.10. Postage, e-mail or any other electronic transfer equates to the actual expense, if any.

14 Availability of the Manual

14.1. This Manual is available for inspection at the office of SAMWUMED free of charge and shall be reviewed on an annual basis or as and when required.

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PART C

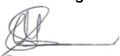
Document History

| Version | Date | Change description | Accepted | Total no. of pages |
|---------|-----------|--------------------|----------|--------------------|
| 1 | June 2021 | Approved by IO. | IO | 10 |
| 2 | June 2022 | Approved by IO. | IO | 10 |
| 3 | July 2023 | Approved by IO. | IO | 17 |
| 4 | July 2024 | Approved by IO. | IO | 17 |

Approval of Manual:

Principal Officer: SAMWUMED.

The Manual becomes effective on date of Approval.


DocuSigned by:

 E877581C651C49E

8/23/2024 | 9:49 AM PDT

Ms. F Mosoeu

Date

Principal Officer | SAMWUMED

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PART D

ANNEXURE A (FORM C): REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of Section 53 (1) of the Promotion of Access to Information, Act No. 2 of 2000; [Regulation 10].

A. Particulars of private body

The Head SAMWUMED:

B. Particulars of 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 and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

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: _____

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 record or relevant part of the record: _____
2. Reference number, if available: _____

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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 prepare 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 hereunder, 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 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 a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate choice with an X.

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

- copy of record
- inspection of record

2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):


- view the images copy of the images
- transcription of the images

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

- listen to the soundtrack (audio file)
- transcription of soundtrack (written or printed document)

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

- printed copy of record
- printed copy of information
- derived from the record
- copy in computer readable form

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- (stiffy or compact disc)

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 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: _____

1. 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 _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF THE REQUEST IS MADE

| | | | | |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------|--------------|-----------|
|  | MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000 (AS AMENDED) | | | |
| | Author: | SAMWUMED INFORMATION OFFICER | Issue Date: | JULY 2024 |
| | Approver: | SAMWUMED INFORMATION OFFICER | Review Date: | JULY 2025 |
| | Doc. No: | APO014-04 | Issue No: | 04 |

ANNEXURE B (FORM E): AUTOMATICALLY AVAILABLE RECORDS

FORM E

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
 (Section 52 of the Promotion of Access to Information Act, 2000
 (Act 2 of 2000))
 [Regulation 9A]

| DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 | MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b)) |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i): | |
| | |
| FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii): | |
| | |
| FOR COPYING IN TERMS OF SECTION 52(1)(a)(iii): | |
| | |
| AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii): | |
| | |