

## Information Manual

### Prepared in terms of section 51 of the Promotion of Access to Information Act (PAIA)

#### Introduction

1. This manual is for **BMW Employees Medical Aid Society**.
2. The Promotion of Access to Information Act, No.2 of 2000 ("the Act") is an Act that was passed to give effect to the constitutional right held by South African citizens, of access to any information held by the State or by another person, which is required for the exercise or protection of any right. Where a request is made in terms of the Act, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released. Therefore, the right of access to information and this Manual is only applicable to South African citizens, as defined in the Constitution of the Republic of South Africa Act 108 of 1996.
3. 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.
4. This manual is available for inspection, free of charge, at the physical address of **BMW Employees Medical Aid Society**, recorded in paragraph 1.2 below and on this website.

#### 1.1 Purpose of PAIA

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 **BMW Employees Medical Aid Society**; 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.

#### 1.2 Contact details of the information officer of BMW Employees Medical Aid Society

<b>Information Officer:</b>	<b>A R Kelbrick</b>
<b>Postal Address:</b>	PO Box 2955 Pretoria 0001
<b>Physical Address:</b>	155 West Street Sandton 2146
<b>Fax Number:</b>	086 678 1892
<b>Email Address:</b>	anthony.kelbrick@bmw.co.za
<b>Website:</b>	<a href="http://www.bemas.co.za">www.bemas.co.za</a>



### 1.3 Guide of South African Human Rights Commission

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

<b>Postal Address:</b>	The South African HUMAN RIGHTS COMMISSION <b>Head Office</b> Braampark Forum 3 33 Hoofd Street Braamfontein
<b>Telephone Number:</b>	(011) 877-3750
<b>Fax Number:</b>	(011) 403-0668
<b>Email Address:</b>	<a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a>
<b>Website:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

### 1.4 Records of BMW Employees Medical Aid Society

The accessibility of the documents listed below may be subject to the grounds of refusal set out in Part 1.5 of this manual.

The information is classified and grouped according to records relating to the following subjects and categories:

#### 1. PERSONNEL RECORDS

**"Personnel"** refers to any person who works for or provides services to or on behalf of **BMW Employees Medical Aid Society** and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of **BMW Employees Medical Aid Society** and includes, without limitation, directors (executive and non-executive), 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.

#### 2. CLIENT RELATED RECORDS

A **"client"** refers to any natural or juristic entity that receives services from **BMW Employees Medical Aid Society**,

- Records pertaining to the diagnosis, treatment or health of the clients of **BMW Employees Medical Aid Society** and members of the medical schemes administered by Discovery Health (Pty) Ltd;
- Records provided by a client to a third party acting for or on behalf of **BMW Employees Medical Aid Society**;





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- Records provided by a third party;
- Records generated by or within **BMW Employees Medical Aid Society** relating to its clients.

### 3. PRIVATE BODY RECORDS

These records include, but are not limited to, the records which pertain to **BMW Employees Medical Aid Society's** own affairs.

- Financial records;
- Operational records;
- Information Technology;
- Communication;
- Administrative records;
- Product records;
- Statutory records;
- Internal Policies and Procedures; and
- Human Resources

### 4. OTHER PARTY RECORDS

- Personnel, customer or private body records which are held by another party, as opposed to the records held by **BMW Employees Medical Aid Society** itself.
- Records held by **BMW Employees Medical Aid Society** 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 **BMW Employees Medical Aid Society's** contractors / suppliers.
- **BMW Employees Medical Aid Society** 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 **BMW Employees Medical Aid Society**.

### 5. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

A requester may also request information that is available in terms of other legislation such as;

1. The Medical Schemes Act 131 of 1998,
2. The Labour Relations Act 66 of 1995,
3. The Employment Equity Act 55 of 1998,
4. The Basic Conditions of Employment Act 75 of 1997

The above is not an exhaustive list of statutes that may require **BMW Employees Medical Aid Society** to keep records.

## 1.5 Grounds for refusal of access to records

**BMW Employees Medical Aid Society** may refuse a request for information on the following basis:

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;
2. Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that third party;

BMW Employees Medical Aid Society. Registration number 1526. Administered by Discovery Health (Pty) Ltd, registration number 1997/013480/07, an authorised financial services provider.



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- 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 **BMW Employees Medical Aid Society**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
  4. Mandatory protection of the safety of individuals and the protection of property;
  5. Mandatory protection of records which would be regarded as privileged in legal proceedings;
  6. The commercial activities of **BMW Employees Medical Aid Society**, which may include:
    - Trade secrets of **BMW Employees Medical Aid Society**;
    - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of **BMW Employees Medical Aid Society**;
    - Information which, if disclosed, could put **BMW Employees Medical Aid Society** at a disadvantage in negotiations or commercial competition;
    - A computer program which is owned by **BMW Employees Medical Aid Society** and which is protected by copyright.
  7. The research information of **BMW Employees Medical Aid Society** 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;
  8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

### 1.6 Access to records held by BMW Employees Medical Aid Society

1. Records held by **BMW Employees Medical Aid Society** may be accessed by requests only once the prerequisite requirements for access have been met.
2. A requester is any person making a request for access to a record of or held by **BMW Employees Medical Aid Society**. There are two types of requesters:

#### **PERSONAL REQUESTER**

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- **BMW Employees Medical Aid Society** 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.

#### **OTHER REQUESTER**

- This requester (other than a personal requester) is entitled to request access to information on third parties. However, **BMW Employees Medical Aid Society** is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

### 1.7 Request procedure

1. A requester requiring access to information held by **BMW Employees Medical Aid Society** must complete the prescribed form, enclosed herewith as **ANNEXURE 1**, submit it to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in 1.2 and pay a request fee and a deposit, if applicable.



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2. The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify:
  1. The record or records requested;
  2. The identity number of the requester;
  3. The form of access required, if the request is granted;
  4. The postal address or fax number of the requester.
3. The requester must also state that he requires the information in order to exercise or protect a right, and 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.
4. **BMW Employees Medical Aid Society** 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.
5. 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.
6. 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.
7. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
8. The requester must pay the prescribed fee, before any further processing can take place.

### 1.8 Decision

1. **BMW Employees Medical Aid Society** 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.
2. The 30 day period with which **BMW Employees Medical Aid Society** 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 number of information, or the request requires a search for information held at another office of **BMW Employees Medical Aid Society** 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 sought.

### 1.9 Remedies available when BMW Employees Medical Aid Society refuses a request for information

#### 1. INTERNAL REMEDIES

- **BMW Employees Medical Aid Society** does not have internal appeal procedures. Therefore, 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.

#### 2. EXTERNAL REMEDIES

- 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.

1. The Act provides for two types of fees, namely:
    1. A request fee, which will be a standard fee; and
    2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
  2. 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.
  3. 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 Information 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.
  4. The Information Officer will withhold a record until the requester has paid the fees as indicated in the table below.
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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.
  6. 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.

<b>REPRODUCTION FEES</b>	
Where <b>BMW Employees Medical Aid Society</b> 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.	
<b>The applicable fees for reproduction as referred to above are: (VAT inclusive)</b>	<b>R</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	0,75
For a copy in a 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
<b>Request Fees</b>	





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<b>REPRODUCTION FEES</b>	
Where a requester submits a request for access to information held by <b>BMW Employees Medical Aid Society</b> 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>	
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>	1,25
For every photocopy of an A4-size page or part thereof	
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 a 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 <b>BMW Employees Medical Aid Society</b> a 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 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 Regulations. Therefore, the fees reflected above are VAT inclusive.