



Manual for the purposes of Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), for the Council for Medical Schemes, a statutory body established by the Medical Schemes Act, 1998 (Act No. 131 of 1998)

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Abbreviations used

CMS	Council for Medical Schemes
PAIA	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
The Act	The Medical Schemes Act, 1998 (Act No. 131 of 1998)

1. THE PROMOTION OF ACCESS TO INFORMATION ACT

AIMS OF PAIA

PAIA is aimed at giving effect to the right of access to information set out in the Bill of Rights and establishing a culture of human rights and social justice. It also provides certain limitations on the right of access to information, aimed at protecting people's privacy and confidential commercial information, and ensuring efficient governance. It balances the right of access to information with the other constitutional rights. In general, PAIA attempts to promote transparency, accountability and effective governance in the public and private sectors.

WHO CAN REQUEST A RECORD?

Anyone can request access to a record held by the CMS. A person can act on behalf of someone else in requesting access to a record. Access to a record may be requested by an ordinary person, or by a company, close corporation or trust.

2. COUNCIL FOR MEDICAL SCHEMES (CMS)

The CMS is a statutory body established by the Medical Schemes Act, 1998 (Act No. 131 of 1998), to serve the interests of the public and members of medical schemes.

THE ROLE OF THE CMS

The CMS supervises a massive industry. There are about 160 medical schemes in South Africa with about seven million beneficiaries. The primary purpose of the CMS is to -

- protect the interests of medical schemes and their members;
- control and coordinate the functioning of medical schemes;
- collect and disseminate information about private health care;
- advise the Minister of Health on any matter concerning medical schemes;
- provide effective prudential oversight of medical schemes;
- ensure compliance with the Act; and
- investigate complaints and settle disputes in relation to the affairs of medical schemes.

VISION OF THE CMS

CMS is working towards a medical schemes industry that is regulated to protect the interests of members and to promote fair and equitable access to private health care financing in order to maximize the health of South Africans.

OFFICE OF THE REGISTRAR

The Registrar of the CMS reports to the Council, which is appointed by the Minister of Health. The Registrar is responsible for the following:

- The overall management and strategic direction of the CMS.
- The development of strategic alliances and cooperation with key stakeholders.
- The coordination of all the various cost centres' activities.



COST CENTRES IN THE OFFICE OF THE REGISTRAR

LEGAL SERVICES

- Provides legal support to the CMS and Office of the Registrar.

COMMUNICATION

- Enhances the public image of the CMS.
- Provides ongoing training and development to boards of trustees, consumers and other intermediaries.

COMPLAINTS UNIT

- Dealing with complaints raised by members of the public by -
 - ◆ receiving complaints, analysing them and resolving them effectively;
 - ◆ investigating inconsistency with the Medical Schemes Act;
 - ◆ ensuring that schemes have dispute committees in place;
 - ◆ monitoring the treatment of beneficiaries to ensure fair treatment; and
 - ◆ ensuring that the provisions of the Act are interpreted and applied correctly.

COMPLIANCE UNIT

- Coordinates investigations and inspections of schemes where required in order to ensure compliance with the Act.

FINANCIAL SUPERVISION

- Ensures compliance with the financial requirements of regulated entities.
- Undertakes detailed financial appraisal of medical schemes.

REGISTRATION AND ACCREDITATION

- Accredits and registers schemes, administrators, brokers and intermediaries.
- Develops model rules, service standards and accreditation criteria.
- Does day-to-day administration and recording of information pertaining to schemes.

RESEARCH AND MONITORING

- monitors the impact of the Medical Schemes Act, its regulations and amendments.
- Researches trends in private health care finance and demographics.
- Monitors the performance of schemes and their compliance with the Act.
- Investigates and develops recommendations for regulatory reform.

CORPORATE SERVICES

- Ensures proper financial reporting and accountability of the CMS.
- Provides IT support to the CMS.
- Ensures effective human resource management.

3. PROCEDURES FOR MAKING A REQUEST

In order for a request of a record of a public body to be processed, the requester must comply with all the PAIA's procedural requirements, which are as follows:

- The request form must be filled in.
- The form must be submitted to the information officer, by fax, email, post or hand.
- The request fee must be paid.

A letter will be sent to the requester notifying them of the outcome of the request.

A request to access any record held by the CMS that is not freely available in terms of section 51(2) of PAIA must be made to the information officer on the prescribed form. The requester must give enough detail for the officer to know which record is being requested. The requester has to indicate if they want an actual copy of the record, or whether they want to come to view it. If the record is on computer the requester has to indicate whether the record has to be printed or provided in electronic form. Where a record is available in more than one language, the requester must indicate which language they prefer. The information officer or an official will help requesters who are not able to read or write to complete the request form.



4. COSTS OF OBTAINING A RECORD

There are three kinds of fees chargeable by PAIA. A request fee of R35,00 is payable for simply making a request. The request fee must be paid before the request is processed. Additional access and reproduction costs depend on the nature of the request. Requesters of records containing personal information about themselves do not pay request fees, only access and/or reproduction costs.

FEES PAYABLE FOR INFORMATION FROM THE CMS

The fees for reproduction referred to in regulation 7(1) of the regulations to PAIA (which apply to all public bodies) are as follows:

	<u>Rand</u>
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disk	5,00
(ii) Compact disk	40,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii) For a copy of an audio record	17,00

The access fees payable by a requester referred to in regulation 7(3) are as follows:

	<u>Rand</u>
1 (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disk	5,00
(ii) Compact disk	40,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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 | 12,00 |
| (ii) | For a copy of an audio record | 17,00 |
| (f) | For the time reasonably required to find and prepare the record for disclosure. | 15,00/hour
(excluding the 1 st hour) |
- 2 For the purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable.
 - (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 has to be posted to a requester.

5. NOTIFICATION OF REQUESTERS

As soon as a decision has been made about a request, a notification letter will be sent to the requester. The notification may include any of the following information:

- The amount of the request fee to be paid.
- Granting of request.
- Denial of request.
- That access has been deferred for some reason.
- Referral of request to the relevant body.

6. FORM OF ACCESS

PAIA provides for access to information in any format available. Records may be reproduced by photocopying, and copying onto compact discs, video cassettes, audio cassettes, etc.

7. LANGUAGE OF ACCESS

A requester whose request for access has been granted will be given access to the record in the language he or she prefers, provided the record exists in that language. If it does not, access will be granted in a language in which the record exists.



8. GROUNDS FOR REFUSAL

PAIA provides several reasons for refusing access to records. Access may or must be refused in the following instances:

- To protect the privacy of a third party who is a natural person, and not a company or close corporation.
- To protect records at the South African Revenue Service.
- To protect commercial information belonging to third parties.
- To protect certain confidential information.
- To protect the safety of individuals and property.
- To protect law enforcement and legal proceedings, including police dockets in bail proceedings.
- To protect records privileged from production in legal proceedings.
- To protect the military, security and international relations of the Republic of South Africa.
- To protect the economic interest and financial welfare of the Republic and commercial activities of public bodies.
- To protect research.
- In certain instances, operations of public bodies.
- To prevent access to health records.

9. DESCRIPTION OF RECORDS HELD BY THE CMS

The CMS holds a variety of records on the following:

- Medical schemes
 - A list of registered medical schemes.
 - The rules of registered medical schemes.
 - Audited financial statements of medical schemes.
- Minutes and agendas of the executive of the CMS from 1967 to date.
- Reports
 - Research reports.
 - Annual reports.
 - Investigation reports.

- Legislation
 - Medical Schemes Act and amendments.
 - Medical Schemes Levies Act, 2000 (Act No. 58 of 2000).
 - Regulations.
 - Notices.

- Brokers
 - A list of accredited brokers.

- Complaints
 - Records of complaints lodged with the CMS.
 - Appeals.

10. VOLUNTARY DISCLOSURE OF INFORMATION

The CMS published a notice in terms of section 15(2) of PAIA in *Government Gazette* No. 24080 of 22 November 2002. This notice lists categories of records that are freely accessible, and for which only reproduction costs have to be paid.

RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PAIA	MANNER OF ACCESS TO RECORDS
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DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING OR COPYING IN TERMS OF SECTION 15(1)(a)(ii)

- | | |
|---------------------------------|---|
| 1. Research report and findings | <ol style="list-style-type: none"> 1. The records may be viewed/accessed at the CMS Resource Centre. 2. Records may also be viewed at the CMS web site, www.medicalschemes.com. |
|---------------------------------|---|



- | | |
|------------------------------|---|
| 2. Annual reports of the CMS | 1. The record may be obtained on request in writing to the CMS Head of Communications. |
| | 2. Copies of extracts from the record can be obtained by visiting the Resource Centre. |
| | 3. The records can also be accessed on the CMS web site, www.medicalschemes.com . |

2. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)

- | | |
|--|---|
| 1. List of accredited brokers | 1. Records may be obtained in writing or telephonically from Registration and Accreditation. |
| | 2. Records can be viewed at the CMS web site, www.medicalschemes.com . |
| 2. List of registered medical schemes | 1. Records may be obtained in writing or telephonically from Registration and Accreditation. |
| | 2. Records can be viewed at the CMS web site, www.medicalschemes.com |
| 3. Medical Schemes Act and Regulations | 1. Records may be obtained by visiting the CMS Resource Centre. |
| | 2. Records may be obtained by visiting the CMS web site, www.medicalschemes.com |
| 4. Risk Equalisation Fund | 2. Records may be obtained by visiting the CMS Resource Centre. |
| | 3. Records may be obtained by visiting the CMS web site, www.medicalschemes.com |

11. SERVICES PROVIDED BY THE CMS

The following are the main three public entries of the CMS apart from the regulatory units that deal with the medical schemes, brokers and administrators:

- Resource Centre
- Complaints Unit.
- Consumer Training Unit

CMS RESOURCE CENTRE

The CMS Resource centre is open five days a week, from 08:00 to 17:00. It provides information on private health care financing locally and internationally. Its databases are available on the CMS web site.

COMPLAINTS UNIT

The unit exists solely to protect the interest of the members of medical schemes. The CMS has well qualified complaints analysts to deal with complaints lodged by brokers and members against medical schemes. A complaint form is also available on our web site or alternatively write a letter which may be faxed, emailed or posted to the CMS offices. The complaints team can also be contacted telephonically for immediate advice.

CONSUMER TRAINING DIVISION

This unit is very important in educating and empowering through knowledge the members of medical schemes, trustees and brokers on aspects of the Medical Schemes Act. This is an endeavour to raise awareness of medical schemes' members of their rights. Training workshops are arranged throughout the country to inform and educate. More information on this can be found on our web site by calling the unit during office hours.



12. WHAT TO DO IF AN OFFICIAL REFUSES ACCESS TO A RECORD OR INFORMATION TO WHICH YOU ARE ENTITLED

PAIA provides a number of remedies to curb non-compliance with its provisions. The first step is to lodge an internal appeal and after this the requester can take the matter to court. The person who refuses access has to give reasons for doing so.

To ensure that your request form is received and given proper attention, make sure that you fill in the form correctly.

- Fax, email, deliver or post the completed form to the CMS.
- Ensure that your contact details are clearly indicated.
- If using the web site to fill the form, ensure that you have clicked the send button and keep the user ID or reference number given to you so that you can check the status of your request whenever necessary.
- Ensure that the CMS fax number, postal address or email address is correct before sending the record.
- Try to describe the record you are requesting as accurately as possible.



13. CONTACT DETAILS

For assistance contact the **Council for Medical Schemes**.

Information Officer: Mr. T. P. Masobe
Deputy Information Officer: Mr. S.S. Thosago –
s.thosago@medicalschemes.com

Postal address: Private Bag X34
Hatfield
0028

Business address: Block E
Hadefields Office Park
1267 Pretorius Street
Hatfield
0028

Telephone: (012) 431 0500
(012) 431 0530

Fax: (012) 430 7644

Web site: www.medicalschemes.com



REQUEST FOR ACCESS TO RECORDS OF PUBLIC BODY

Section 18[1] of the Promotion of Access to Information Act [Act 2 of 2000]

FOR OFFICE USE ONLY

Request received by _____ Reference number. _____
 On _____ at _____
 Request fee [if any] R _____
 Deposit [if any] R _____
 Access fee R _____

 Signature of Information Officer /
 Deputy Information Officer

A. Particulars of public body

The Information Officer / Deputy Information Officer

B. Particulars of person requesting access to the record

- [a] The particulars of the person who requests access to the record 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 name 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 name 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: _____

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 therefore.

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 a 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 requested: _____

- Mark the appropriate box with an 'X'
- NOTES.
- [a] Your indication as to the required form of access depends 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 required.

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

	Copy of record*		Inspection of record
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2. If record consist if visual images-

[this includes photographs, slides, video recordings, computer-generated-images, sketches, etc.]

	View the images		Copy of the images*		Transcription of the images*
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3. If record consist of recorded words or information which can be reproduced in sound-

	Listen to the soundtrack [audio cassette]		Transcription of soundtrack* [written or printed document]
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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 of computer readable form* [stiffy or compact disc]
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*If you requested copy or transcription of a record [above], do you wish the copy or transcription to be posted to you? A postal fee is payable.		
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Note that if the record is not available in the language you prefer, access may be



granted in the language in which the record is available

In which language would you prefer the record? _____

G. 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 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 _____ 20 _____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS
MADE