



**MEDSHIELD**  
medical scheme

# Manual

## **MEDSHIELD PAIA and POPIA**

A decorative horizontal bar with a gradient of colors: yellow, green, blue, and red.

**ISO 9001:2015**



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Approver:	Principal Officer	Review Date:	September 2029
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# MEDSHIELD MEDICAL SCHEME PAIA AND POPIA MANUAL

as prescribed by the provisions of

## **THE PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000**

[ASSENTED TO 2 FEBRUARY 2000] [DATE OF COMMENCEMENT: 9 MARCH 2001]

And

## **THE PROTECTION OF PERSONAL INFORMATION ACT 4 of 2013**


[ASSENTED TO 19 NOVEMBER, 2013] [DATE OF COMMENCEMENT: 11 APRIL, 2014]



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# Information Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000.

## 1. Foreword

### 1.1. Introduction

The Scheme is committed to the observance and compliance with the directives of the South African Constitution and all relevant national legislation which endorse the key principles of good corporate governance, transparency and accountability within private and public bodies.

The Promotion of Access to Information Act No. 2 of 2000 (PAIA) gives effect to carry out section 32 of the South African Constitution, which focuses on the right to access information, wherein everyone has the right to access to information held by the state or a private body to enforce a culture of transparency and accountability.

Section 51 of PAIA obliges private bodies such as the Scheme to compile a manual to enable persons to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.

This manual constitutes the Scheme’s POPIA and PAIA Manual. This manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (POPIA). POPIA promotes the protection of personal information processed by public and private bodies, including conditions to establish minimum requirements for the processing of Personal Information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of Personal Information.


### 1.2. Scope of the Manual

The scope of this manual includes Medshield Medical Scheme (“Scheme”) whose nature of business is the operation of a self-administered medical scheme within the Republic of South Africa.

In accordance with principals of PAIA and POPIA, the purpose of this manual is to:

- promote the right of access to information,
- foster a culture of transparency and accountability in the Scheme by giving effect to the right of access to information;
- detail the procedure to be followed by a Requester and the manner in which a Request for Access to information will be facilitated; the purpose for which Personal Information may be processed;
- provide a description of the categories of Data Subjects for whom the Scheme Processes Personal Information;
- indicate the categories of Personal Information relating to such Data Subjects; and
- advise the recipients to whom Personal Information may be supplied.

The scope of the manual is limited to the records held by the Scheme.


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### 1.3. Availability of the Manual

A copy of this manual is available to the public for inspection on the Scheme's website at [www.medshield.co.za](http://www.medshield.co.za) or on request from the Information Officer as set out in this manual.

## 2. Definitions

- 2.1. **"Client/Customer"** refers to any natural or juristic entity that receives services from the Scheme.
- 2.2. **"Conditions for Lawful Processing"** refers to the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA.
- 2.3. **"Constitution"** refers to the Constitution of the Republic of South Africa, 1996.
- 2.4. **"Data Subject"** refers to the meaning ascribed thereto in section 1 of POPIA; Data Subject In terms of POPIA includes a juristic person to whom personal information relates.
- 2.5. **"Employee"** refers to any person who works for or provides services to or on behalf of the Scheme, and receives or is entitled to receive remuneration, and/or any other person who assists in carrying out or conducting the business of the Scheme, and who has a written contract of employment with the Scheme.
- 2.6. **"Information Officer"** means a person acting on behalf of the Scheme and who has been assigned the responsibility for discharging the duties and responsibilities of the Scheme as prescribed in terms of this Act, and may include a Deputy Information Officer.
- 2.7. **"Information Regulator"** refers to the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013.
- 2.8. **"Medshield"** refers to all and/or any of the divisions that form part of Medshield Medical Scheme where applicable.
- 2.9. **"Organization"** refers to Medshield Medical Scheme herewith referred to as **'Medshield'** or the **'Scheme.'**
- 2.10. **"Other Requester"** refers to any requester other than a personal requester.
- 2.11. **"PAIA"** refers to the Promotion of Access to Information Act, 2000.
- 2.12. **"Personal Information"** refers to the meaning ascribed thereto in section 1 of POPIA.
- 2.13. **"Personal Requester"** refers to a requester who is seeking to access a record containing personal information about that requester.
- 2.14. **"POPIA"** refers to the Protection of Personal Information Act, 2013.
- 2.15. **"POPIA Regulations"** refers to the regulations promulgated in terms of section 112(2) of POPIA.
- 2.16. **"Principal Officer"** refers to the **"head"** as defined in section 1 of PAIA and referred to in clause 4;

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2.17. “**Private Body**” refers to the meaning ascribed thereto in sections 1 of both PAIA and POPIA.

2.18. “**Processing**” refers to the meaning ascribed thereto in section 1 of POPIA.

2.19. “**Requester**” means any person making a request for access to a record that is under the control of the Scheme.

2.20. “**Request for Access**” refers to the meaning ascribed thereto in section 1 of PAIA.

2.21. “**Responsible Party**” has the meaning ascribed thereto in section 1 of POPIA.

2.22. “**Third Party**” means any natural or juristic person other than the requester or such party acting on behalf of the requester, or the Scheme itself.

### 3. Contact Information

#### SECTION 51 (1) (a): CONTACT DETAILS

The Scheme’s contact information is as follows:

**Physical Address:** 5<sup>th</sup>-7<sup>th</sup> Floor, 192 Bram Fischer Drive  
 Ferndale  
 Randburg

**Postal Address:** PO BOX 4346  
 Randburg  
 2125

**Telephone Number:** 086 000 2120 (+27 10 597 4701)


**Fax Number:** +27 10 597 4701

The responsibility for administration of, and compliance with the Act has been delegated by the Principal Officer (PO) of the Scheme to the Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

**Information Officer:** Kevin Aron

**Deputy Information Officer:** Jan Potgieter

**Email:** [informationofficer@medshield.co.za](mailto:informationofficer@medshield.co.za)

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## 4. Information Regulator

The Information Regulator has compiled a guide, as contemplated in section 10 of the PAIA containing information to assist any person who wishes to exercise any right as contemplated in PAIA.

This guide is available from the offices of the Information Regulator at:

[https://infoeregulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English\\_20210905.pdf](https://infoeregulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf)

The Information Regulator (South Africa)

Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

JD House, 27 Stiemens Street  
 Braamfontein  
 Johannesburg  
 2001

## 5. Automatic Disclosure

### **POPIA: SECTION 17: DOCUMENTATION**

The maintenance of all documentation that is processed by the Scheme as the Responsible Party, as referred to in section 51 of PAIA.

### **PAIA: SECTION 51 (1) (c): RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC**

*(A section 52(2) notice regarding the categories of records which are available without a person having to request access in terms of the Act has not been published.)*

## 6. Legislative Records

### **SECTION 51 (1) (d): RECORDS HELD IN ACCORDANCE WITH LEGISLATION**

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Collective Investments Schemes Control Act, 2002
- Companies Act 2008 (Act No. 71 of 2008)
- Compensation for Occupational Injuries and Diseases Act, 1993
- Competition Act, 1998
- Constitution of the Republic of South Africa, 1996
- Consumer Protection Act, 2008
- Copyright Act, 1978
- Council for Medical Schemes Levies Act, 2000
- Criminal Procedure Act, 1977
- Electronic Communications Act, 2005



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- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Financial Intelligence Centre Act, 2001
- Formalities in Respect of Leases of Land Act, 1969
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Long Term Insurance Act, 1998
- Medical Schemes Act, 1998
- National Building Regulations and Building Standards Act, 1997
- Occupational Health and Safety Act, 1993
- Pension Funds Act, 1956
- Promotion of Access to Information Act, 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- Protection of Personal Information Act, 2013
- Protected Disclosures Act, 2000
- Regulation of Interception of Communications and Provisions of Communication Related information Act, 2002
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Short Term Insurance Act, 1998
- South African Reserve Bank Act, 1989
- Unemployment Insurance Act, 2001
- Value-Added Tax Act, 1991

## 7. Records Held

### SECTION 51 (1) (e): RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

Scheme Records Guide

Area	Subject
<b>SCHEME MEMBER RECORDS</b>	Member and Beneficiary Application Forms
	Member & Beneficiary Identity Document copies
	Member & Beneficiary Medical and related records
<b>CORPORATE GOVERNANCE</b>	Codes of Conduct
	Enterprise-wide Risk Management records
	Regulatory and Legal Compliance Records
	Corporate Social Investment
	Board of Trustees and related Governing bodies records
	Executive Committee Meetings records
	General Scheme policies
<b>FINANCE AND ADMINISTRATION</b>	Accounting Records
	Annual Financial Statements
	Banking Records
	Correspondence
	Invoices and Statements
	Management Reports



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Area	Subject
	Tax Records and Returns
	SARB Returns
	Statistics SA returns
<b>HUMAN RESOURCES</b>	Accounting and Payroll records
	BEE Statistics
	Career Development records
	Employee Personal Information
	Employment Equity Records
	General Terms of Employment records
	Letters of Employment records
	Leave Records
	UIF, PAYE Records and Returns
	Performance Management records
	Policies and Procedures
	Retirement Benefits and Medical Aid Records
	Contracts and Agreements
	Equipment Register
<b>LEARNING &amp; EDUCATION</b>	Training Material
	Training Records and Statistics
	Training Services Provider Agreements
<b>LIBRARY &amp; INFORMATION CENTRE</b>	External Publications
	Internal Publications
	Reference Works
	Periodicals
	Research Files (Articles)
<b>MARKETING &amp; COMMUNICATION</b>	Proposal Documents
	Media Releases
	New Business Development records
	Brand Information Management records
	Marketing Strategies records
	Communication Strategies
	Agreements
	Member and Stakeholder Relationship Programmes
<b>OPERATIONS</b>	Marketing Brochures
	Access Control records
	Archival Administration records
	Communication strategies
	Contracts and Agreements
	Patents and Trade Marks documents
	Insurance Documentation
	PAB Management Information
	Service Level Agreements
	Travel Documentation
Vehicle Registration Documents	




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Area	Subject
<b>SECRETARIAL SERVICES</b>	Applicable statutory documents such as but not limited to Certificates of Incorporation and Certificates to Commence business
	Annual Reports
	Corporate Structure diagrams
	Memorandum and Articles of Association
	Statutory Returns to Relevant Authorities
	Meetings minutes

*We have used our best endeavours to supply a list of applicable legislation, it is possible that our regulatory universe may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.*

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## 8. Access Requests

### SECTION 51 (1) (e): ACCESS REQUEST PROCEDURE

*It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to access to a record is subject to certain limitations if the requested record falls within a certain category as specified with Part 3 and Chapter 4 of the Act.*

*If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading, legal proceedings may be instituted against such requester.*

#### 8.1. Completion of the Access Request Form

In order to facilitate a timely response to requests for access, all Requestors should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed;
- Proof of identity is required to authenticate the identity of the Requestor; in addition to the Access Form, Requestors will be required to supply a copy of their Identification Document;
- Complete the form in BLOCK LETTERS and answer every question;
- If a question does not apply state N/A in response to that question;
- If there is nothing to disclose in reply to a particular question state “nil” in response to that question;
- If there is insufficient space on a printed form, additional information may be provided on an attached folio;
- When the use of an attached folio is required, precede each answer with the applicable title.

#### 8.2. Submission of Access Request Form

The complete Access Request Form together with a copy of the Identity Document must be submitted either via post, e-mail or fax and must be addressed to the Contact Person as indicated in this Manual. This fee is **not applicable** to Personal Requestors. A Personal Requestor is any person seeking to access records that contain their Personal Information.


An initial, request fee of R57.00 (including VAT) is payable on submission.

#### 8.3. Payment of Fees

Payment details can be obtained from the Contact Person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or postal order. Proof of payment must be supplied at all times.

The Access Fee must be paid prior to access being given to the requested record. If the request for access is successful an Access Fee may be required for the search, reproduction and/or preparation of the record(s). This additional fee will be calculated based on the Prescribed Fees.

If a deposit has been paid in respect of a request for access which is refused, then the Information Officer will refund the deposit to the Requestor.

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## 9. Access Requests

### SECTION 51 (1) (e): ACCESS REQUEST PROCEDURE

#### NOTIFICATION

The 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 thirty days, if the request is for a large volume of information and the information cannot be reasonably obtained within the original 30 day period. The Scheme will notify the Requestor in writing should an extension be sought.


## 10. Grounds For Refusal

### CHAPTER 4: GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The following are the main reasons/grounds on which the Scheme may refuse or decline a request for information held by it:

- 10.1. Mandatory protection of the privacy of a third party who is natural person, which would involve the unreasonable disclosure of Personal Information of that natural person.
- 10.2. Mandatory protection of the commercial information of a third party, if the record contains
  - (i) Trade secrets of that party
  - (ii) Financial, commercial, scientific or technical information whose disclosure could likely cause harm to the financial or commercial interests of that party.
  - (iii) Information disclosed in confidence by a third party to the Scheme if the disclosure could prejudice that third party in any way.
- 10.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 10.4. Mandatory protection of the safety of individuals and the protection of property.
- 10.5. Mandatory protection of records which could be regarded as privileged in legal proceedings.
- 10.6. The Commercial Activities of the Scheme which may include:
  - (i) Trade secrets of the Scheme
  - (ii) Financial, commercial, scientific, or technical information whose disclosure could likely cause harm to the financial or commercial interests of the Scheme.

If the Scheme cannot find the records that the Requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

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## 11. Forms Remedies Available to the Requestor Upon Refusal of a Request for Access in Terms of PAIA

Should a Requester wish to appeal against the outcome of their request refusal, they must appeal in writing within 20 working days of the receipt of the outcome letter to the Information Officer, setting out the grounds of appeal and stating whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact or decision.

In the proceedings of the appeal, the Requester (the Appellant) will not be entitled, except with leave of the Appeal Committee to rely on any grounds of appeal not specified in their written appeal. In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

## 12. Remedies Available for the Scheme

The Scheme has the right to lay a complaint to the Regulator if the information is disclosed in terms of the two Acts mentioned herein or if its rights are infringed.

## 13. Personal Information Processed by the Scheme

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

The Scheme needs Personal Information relating to both individual and juristic persons in order to carry out its business and Organisational functions. As a Responsible Party, the Scheme determines the manner in which this information is Processed and the purpose for which it is processed is determined by the Scheme. The Scheme therefore ensures that the Personal Information of a Data Subject in Processed in accordance with the Scheme's Privacy Notice available on the website.

Any Data Subject may Objection to the Processing of Personal Information and/or Request for correction or deletion of Personal Information held by the Scheme. The Data Subject must comply with the prescribed processes and completed the prescribed form on the Scheme's website for consideration by the Information Officer and execution by the Scheme.

## 14. Additional Information

### **SECTION 51(1) (f): ADDITIONAL PRESCRIBED INFORMATION**

The Minister of Justice has prescribed no additional information to be contained in this Manual.



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## 15. Updating of Manual

The Scheme may update this manual every 12 months or at such intervals as may be deemed necessary.

FOR AND ON BEHALF OF THE MEDSHIELD MEDICAL SCHEME

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**Mr. Kevin Aron**

Principal Officer | Medshield Medical Scheme



**Medshield PAIA and POPIA**

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**Document History**

Version	Date	Pages changed	Change description	Supporting Document	Accepted	Total no. of pages
1	Feb 2019	N/A	New		PO	16
1	Feb 2023	All	Changes requested by SLEDG.	Email: Tue 2023-02-07 08:56	PO	20
		4	Availability of the Manual	Email: Wed 2023-02-15 13:58	PO	20
1	May 2024	13-19	Replaced Section 14 with updated forms	002	PO	20
2	Dec 2024	17	Replaced screen print: renamed as PAIA Outcome Request form	007	PO	20
1	Sep 2025	13-18	Removed section 14 & 15 – screenprints of PAIA forms	2685086	PO	15
1	Feb 2026	4-6	Replaced word 'Medshield' with the 'Scheme' and Information officer name.	2868064	PO	15

**Approval of Manual**

The Manual becomes effective on date of Approval and replaces the previous version.

\_\_\_\_\_  
**Mr. Jan Potgieter**  
 Manager: PMO, BI and Data Management

Date: \_\_\_\_\_

\_\_\_\_\_  
**Mr. Kevin Aron**  
 Principal Officer

Date: \_\_\_\_\_