

PAIA and POPIA Manual

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ('PAIA') AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF THE PERSONAL INFORMATION ACT, 2013 ('POPIA')

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PAIA AND POPIA Manual

This Manual was Prepared in accordance with Section 14 of Promotion of Access to Information Act of 2000 ('PAIA') and to address the requirements of the Protection of Personal Information Act, 2013 ('POPIA')

1. Introduction

The Promotion of Access to Information Act, 2000, as amended, ('the Act') gives third parties the right to approach private bodies to request information held by them, which is required in the exercise and/or protection of any rights. On request, the public body is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act, and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 ('POPIA').

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 of the Republic of South Africa.

This manual is available for inspection, free of charge, at the physical address of BP Medical Aid Society.

2. Applicability to BP Medical Aid Society

BP Medical Aid Society falls within the definition of a **private body**; therefore, the sections pertaining to private bodies will be applicable. BP Medical Aid Society is a statutory body, established in terms of the Medical Schemes Act of 1998. Access to the records of all beneficiaries of the Society may be requested from the registered Information Officer.

3. Information Officer Contact Details

Registered address:

BP Waterfront
Dock Road
Portwood Ridge
V&A Waterfront
Cape Town
8002

Information Officer: Ms Janine Daniels

Email Address: Janine.daniels@bp.com Telephone Number: +27 87 357 9593

Website: <https://www.bpmas.co.za>

4. Guide by 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, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

5.1.2 Participating Employer Records

A 'participating employer' refers to any natural or juristic entity that participates in BP Medical Aid Society.

Participating Employer Records may include the following:

- 5.1.2.1 Records provided by BP Medical Aid Society to an intermediary;
- 5.1.2.2 Records generated by or within BP Medical Aid Society relating to participating employers, including transactional records.

5.1.3 Finance

- 5.1.3.1 Financial records
- 5.1.3.2 Actuarial records

5.1.4 Client care

- 5.1.4.1 Membership documents
- 5.1.4.2 Applications
- 5.1.4.3 Personal detail amendments
- 5.1.4.4 Financial transactions
- 5.1.4.5 Changes beneficiaries
- 5.1.4.6 General information

5.1.5 Alternate

- 5.1.5.1 Benefit Option records
- 5.1.5.2 Operational records
- 5.1.5.3 Information technology
- 5.1.5.4 Member specific correspondence
- 5.1.5.5 Regulatory-related records
- 5.1.5.6 Rules of the Society
- 5.1.5.7 Records held by BP Medical Aid Society

5.2 These records include but are not limited to the records which pertain to BP Medical Aid Society's own affairs.

5.2.1 Other Records

Further records are held pertaining to:

- 5.2.1.1 Trustees
- 5.2.1.2 Committee members
- 5.2.1.3 Employers
- 5.2.1.4 Officials
- 5.2.1.5 Intermediaries
- 5.2.1.6 Service Providers

6. Records available in accordance with other legislation

A requester may also request information that is available in terms of other legislation. Medical Schemes Act 131 of 1998

Protection of Personal Information Act of 2013

The Promotion of Access to Information Act of 2000

7. Access to records held by BP Medical Aid Society

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

7.1. Personal requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

BP 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.

7.2. Other requester

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

8. Request procedure

- 8.1 A requester requiring access to information held by BP Medical Aid Society must complete the prescribed Form C published on the Society's website.
- 8.2 Submit the completed form to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 of this manual and pay a request fee and a deposit, where so advised.
- 8.3 The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify:
 - 8.3.1 The record or records requested;
 - 8.3.2 The identity number of the requester;
 - 8.3.3 The form of access required if the request is granted;
 - 8.3.4 The e-mail, postal address, or fax number of the requester.
- 8.4 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.
- 8.5 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what 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.
- 8.6 BP 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 dictate that the above time periods could not be complied with.
- 8.7 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.

8.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

8.9 Where applicable, the requester must pay the prescribed fee if applicable before any further processing can take place.

9. Decision

BP 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. The 30-day period within which BP 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 the 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.

10. Grounds for refusal of access to records

The Information Officer may refuse a request for information based on the following:

10.1 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;

10.2 Mandatory protection of the commercial information of a third party, if the record contains:

10.1.1 Trade secrets of that third party;

10.1.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and

10.1.3 Information disclosed in confidence by a third party to BP Medical Aid Society if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

10.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;

10.4 Mandatory protection of the safety of individuals and the protection of property;

10.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;

10.6 The commercial activities of BP Medical Aid Society, which may include:

10.6.1 Trade secrets of BP Medical Aid Society;

10.6.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BP Medical Aid Society;

10.6.3 Information which, if disclosed, could put BP Medical Aid Society at a disadvantage in negotiations or commercial competition;

10.6.4 A computer program which is owned by BP Medical Aid Society and which is protected by copyright.

10.7 The research information of BP 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;

10.8 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11. Remedies available if requests for Information Is refused

11.1 Internal Remedies

The requestor may appeal to the Board of Trustees of BP Medical Aid Society regarding a decision made by the Information Officer. Such appeal will be heard by the BOT at the next available scheduled BOT Meeting.

Save for the above, BP Medical Aid Society does not have any other internal appeal procedures. Therefore, the decision made by the BOT is final. Requesters who are dissatisfied with a decision of the BOT will have to exercise external remedies at their disposal.

11.2 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.

12. Fees

12.1 The Act provides for two types of fees, namely:

12.1.1 A request fee, which will be a standard fee; and

12.1.2 An access fee will be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs. (A schedule of reproduction fees is available from the Information Officer)

12.2 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 regulated prescribed request fee (if any) before further processing of the request.

12.3 The Information Officer can withhold a record until the requester has paid the fees as indicated.

12.4 A requester whose request for access to a record has been granted, must pay an access fee for reproduction, for search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record(s) for disclosure including making arrangements to make it available in the requested format.

Signed on the 1st day of December 2023.

Janine Daniels

Janine Daniels
Information Officer
BP Medical Aid Society