



ACCESS TO INFORMATION



*In terms of section 51 of the Promotion of Access to Information Act
Act 2 of 2000*

FOREWORD

In order to present a balanced and understandable assessment of its position, HFC is repeatedly striving to ensure that its reporting and disclosure to stakeholders is relevant, clear and effective. The Promotion of Access to Information Act No. 2 of 2000 has been formulated to give effect to the right of access to information as enshrined in the Constitution. HFC views this as not merely an issue of legal compliance, but rather an opportunity to deal with information management in a holistic and integrated manner.

HFC places great emphasis on fostering a culture of transparency and accountability and continues to subscribe to the principles of openness, integrity, accountability and responsibility to all.

HFC recognises that corporate governance is a dynamic area and as such its procedures are reassessed on an ongoing basis to ensure that they remain in accordance with the policies and procedures of the King 2 Report on Corporate Governance (2001).

1. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (“the Constitution”) provides:

- 1) *Everyone has the right of access to –*
 - a. *any information held by the state; and*
 - b. *any information that is held by another person and that is required for the exercise or protection of any rights.*
- 2) *National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.*

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), has been formulated to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information as enshrined in the constitution.

The act establishes voluntary and mandatory procedures to give effect to the constitutional right to information in a manner which enables persons to obtain records of public bodies as swiftly, inexpensively and effortless as possible. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

2. WHO CAN REQUEST INFORMATION

Any individual who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that;

- 1) *A requester must be given access to any record of a private body if –*
 - a. *that record is required for the exercise or protection of any rights;*
 - b. *that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
 - c. *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

3. HOW TO USE THIS ACCESS INFORMATION TO MANUAL

Any individual or organisation who wishes to request any information from Health Finance Corporation with the object of protecting or exercising a right may contact the Information officer whose contact details are as follows;

Postal Address

The Information Officer
Health Finance Corporation
P.O Box 13650
Vorna Valley
1686

Physical address

49 Albertyn Street
Vorna Valley
Midrand
1685
South Africa

Tel: +27 (0)11 312-0159
Fax: +27 (0)11 312-0164
e-mail riana@hfc.co.za
Website www.hfc.co.za

Procedures

In terms of section 53, a request for access to a record of Health Finance Corporation (Pty) Ltd must be made in the following manner and on the information form to HFC at the address, fax number or electronic mail address given above.

- Page through the manual to the request form at the back of this manual.
- Fill in all the fields in the request form or re-write the details in an e-mail.
- Please use a black pen and block capitals
- Send your request through to one of the addresses above.
- The Information Officer of Health Finance Corporation will reply within 30 days of receipt of your request. You will be notified as to where you may collect the information requested.
- In certain circumstances, you may be required to pay for documentation, before the record that you have requested is made available to you.
- After the receipt of the money, HFC will reveal the record to you in the format that you have requested on submission of the request form, or in the format that the record exists in, if the format of the request is not available.

The form requires the individual requesting information to provide the following information:

- Fully completed information request
- Identification by the individual requesting information;
- sufficient information to enable the information officer to identify the record(s) requested;
- the form of access required;
- the postal address or fax number to where the desired information can be sent;
- identification of the right sought to be exercised or protected;

- an full explanation on why the records are required to exercise or protect that right;
- the manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and if the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the information officer.

For a specimen of the request form see **ANNEXURE A** to the manual.

3.2 Prescribed Fees for information requests

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

1. Requisition fees:

This is a non-refundable administration fee paid by all individuals requesting information with the exclusion of personal requestors. It is paid before the request is considered.

2. Access fee:

This is paid by all requestors only when access is granted. This fee is intended to re-imburse the individual for the costs involved in searching for a record and preparing it for delivery to the requestor.

4. THE HUMAN RIGHTS COMMISSION GUIDE

In terms of section 10 of the Act, the Human Rights Commission compiled a guide by 14 August 2003.

This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

To gain access to the Human Rights Commission's guide to the Act, browse using an Internet web browser to <http://222.sahrc.org.za/paia.htm>

The South African Human Rights Commission's contact details are as follows;

Private Bag 2700
Houghton
2041
Tel: 011 484 8300
Fax 011 4841360

Alternatively you may call the Human Rights Advice Line on 086-012-1-0120. This is a share-call number for information, advice or help on human rights. This number is manned during office hours Monday to Friday.

5. RECORDS THAT MAY BE REQUESTED

The individual may request access to information on the following types of documents;

Group, Division or Entity	Description of Information
<i>Office of the Chief Executive Officer</i>	Corporate Securities & Investigations
	Registered Trademarks
	Registered designs & Patents
	Litigation
	Legislation affecting HFC
	Delegation of Authority
	Executive Organogram
	Contracts & Agreements
	Company Secretarial
	Communication
	Corporate Brand & Marketing
	Services
	External Communications
	Legal: <ul style="list-style-type: none"> • Reports • Investigation Outcome • Legislation • Licence • Patents • Litigations
<i>Operations</i>	Defcon 5 Product Info
	P3 Accidental Exposure Product Info
	P3 All Exposure Product Info
	HIV/Aids information
	HIV/Aids statistics
<i>Group, Division or Entity</i>	Description of Information
<i>Finances</i>	Financial Reports (last 2 years only)
	Financial systems & Controls
	Compliance Report
	FSP Licence
	Annual Price Increases
	Re-insurance details
	Auditors Information
<i>Human Recourses</i>	Industrial Relations
	Skill Development
	Communication
	Remuneration and Benefits
	Availability of Skills
	Salary Reviews

	Confirmation of Employment
	Conditions of Service
	Employment Equity
	Code of Conduct
Transmissions	Standards
	Policies and Procedures
	Training and development
	Strategic Initiatives
	Marketing Information
	Business Plans & Budgets
	Research, Development & Demonstrations
	Market Communications

6. DURATION OF REQUESTS

- 6.1** In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.
- 6.2** Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request notify the requestor of the decision as to whether or not to grant the request. If the request is:
- **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
 - **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- 6.3** The information officer may extend the period of 30 days by a further period not exceeding 30 days if:
- the request is for a large number of records or requires a search through a large number of records;
 - the request requires a search for records located in a different office of the private body not situated in the same city;
 - consultation between divisions of the private body, or with another private body is required; or
 - the requestor consents to the extension.
- The requestor must be notified within the initial 30 day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

The information officer's failure to respond to the requestor within the 30 day period constitutes a deemed refusal of the request.

- 6.4** Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the information officer.

7. THIRD PARTY REQUESTS

If the request is for a record pertaining to a third party, the information officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be in the fastest means reasonably possible, but if orally, the information officer must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to the private body as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the information officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

8. WHEN WILL HEALTH FINANCE CORPORATION REFUSE OR DECLINE A REQUEST

Notwithstanding compliance with all the regulation within this document, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- 8.1** Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions to this.
- 8.2** Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
- trade secrets;
 - financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 8.3** Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 8.4** In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
- endanger the life or physical safety of an individual;
 - prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property
 - The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 8.5** Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 8.6** Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. Health Finance Corporation may refuse access to a record if the record:
- contains trade secrets of other associated Insurance
 - contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of other associated Insurance
 - contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice other associated Insurance in commercial competition; or
 - consists of a computer program owned by other associated Insurance

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 8.7** Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the associated Insurance itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

Details of the individual or corporation you are requesting information for:

Full Name of Requestor: (Mr, Mrs, Miss, Ms)
Relation to Requestor:
I.D. no:
Description of records or relevant part of the documentation:
Reference number of document (if applicable)
If you have any other information, please list them here:
Fees are applicable: If you have any reason why there should be an exemption on fees, please list them below:
Form on record requested: If you are prevented by a disability to read, view or listen to the record in the form of access provided for in a) to d) hereunder, state your disability and indicate in which form the record is required.
Disability:
Form in which record is desired:
a) If the desired record is only available in written or printed form: <input type="checkbox"/> Supply copy of record <input type="checkbox"/> Full inspection of the record

b) If the request consists of visual images:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images Copy of these images Transcription of the images

c) Should the documents be held on Computer, Electronic or readable format:

Printed Copy Printer copy of info derived for the document Readable Computer copy

d) Reproduction in Sound:
(this includes recorded words or information)

Listen to reproduced sound Transcription of soundtrack

Rights to be Exercised or protected:

Indicate which rights must be exercised or protected

Please give full details of why the requested information is required and which rights are exercised and which protection rights are applicable

Notices from Health Finance Corporation (Pty) Ltd

Please note that you will receive confirmation of your request within 30 days from date of receipt of Health Finance Corporations Information Officer.

Signed at _____ on this _____ day of _____ 20__

SIGNATURE OF INDIVIDUAL REQUESTING THE INFORMATION

PLEASE ENSURE (✓)

- You fully complete every question **before** you submit your request
- You have enclosed all requested information/documentation
- You have signed the request form
- You have attached a copy of your ID document

As failure to do so will result in a delay in handling your request. Please return the completed request form together with any attachments to the Information Officer.

Thank you for fully completing this form!

ANNEXURE B

COST OF PRODUCTION FEES FOR INFORMATION REQUESTS

Reproduction fees

Health Finance Corporation (Pty) Ltd is a private organisation and has voluntarily provided a list of the information that may be requested by any individual or related organisation. Please note that we reserve the right to raise a levy for the obtaining of records, but all fees will be for the reproduction of the records in question.

The reproduction fees are as follows:

	R
Photocopies of A4-size page	1,10
Photocopies of A3-Size page	2,00
Printed A4-size of page in black & white	0,98
Printed A3-size of page in black & white	1,25
Printed A4-size of page in colour	1,52
Printed A3-size of page in colour	2,22
For a copy of information saved to:	
• Formatted Disks	20,50
• Compact Disk	55,00
Visual Images	
• Images on specialized paper (cost per page)	20,00
Audio recorded information	
• audio record	80,00

Please note that any information requested will only be released once the applicable cost of reproduction has been deposited and relevant proof of payment sent to the Information Officer.

Check Access to Information Manual for all the contact details.