

**PROMOTION OF ACCESS TO INFORMATION ACT
MANUAL**

FOR

SIMEKA HEALTH (PTY) LTD

(Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2 of 2000)

21 December 2021

**Mrs M Khumalo
Managing Director**

1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 (“PAIA”) was enacted on 3 February 2000. The purpose of the legislation is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released.

As a private body defined in PAIA, Simeka Health is required to compile a manual to provide a reference as to the records held and the process which needs to be followed to access such records.

This manual is intended to foster a culture of transparency, accountability and good governance, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

2. CONTACT DETAILS: SIMEKA HEALTH

Name of private body	Simeka Health (Pty) Ltd
Registration number	2001/012686/07
Street address	2 Strand Road, Bellville, South Africa, 7530
Postal address	P O Box 1, Sanlamhof, 7532
Telephone number	+27 860 122 340
Fax number (if available)	N/A
Website	www.simekahealth.co.za
Call Centre	+27 860 122 340

3. CONTACT DETAILS: INFORMATION OFFICER

Information Officer	Sharon Rubens
Street address	2 Strand Road, Bellville, South Africa, 7530
Postal address	P O Box 1, Sanlamhof, 7532
Telephone number	+27 21 947 5849
Fax number (if available)	N/A
E-mail address	sharon@simekahealth.co.za

4. ACCESS TO THE GUIDE ON HOW TO USE PAIA

The guide on how to exercise any rights granted in PAIA is available free of charge from both the Information Regulator and/or the Information Officer of the Simeka Health.

The Information Regulator:

The guide is available in all 11 official languages from the office of the Information Regulator and on its website.

The Information Regulator can be contacted at:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: inforeg@justice.gov.za

Website: www.justice.gov.za/inforeg

The Information Officer:

The guide is also available in all official languages from the office of the Information Officer (details above).

5. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY SIMEKA HEALTH

Records are held and made available in terms of the legislation listed in Annexure “A” as applicable. The list is not exhaustive.

6. HOW TO ACCESS RECORDS HELD BY SIMEKA HEALTH

A **requester** is any person making a request for access to a record of Simeka Health. There are two types of requesters, a personal requester and other requesters and the process that needs to be followed by the two types of requesters differ. It is as follows:

PERSONAL REQUESTER

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

All the clients’ information pertaining to Simeka Health is available to him/her upon request, as well as:

- Simeka Health certificate of registration
- Financial statements of Simeka Health (latest revenue account and balance sheet)
- Policy documents relating to fidelity cover and risk cover

Procedure to obtain this information and/or records from Simeka Health

The information can be obtained in one of the following ways:

- By writing a letter or sending an email or fax (if any) to Simeka Health; or
- By accessing the Sanlam website.

Simeka Health will voluntarily provide the requested information or give access to any record with regard to the requester’s personal information. No fees will be charged in respect of information relating to the personal requester (client). A fee may be payable for copies of the information as listed hereunder.

OTHER REQUESTER (THIRD PARTY)

This requester (someone other than a Simeka Health client) is entitled to request access to information on third parties. However, Simeka Health is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of PAIA by completing the request form and paying the fee.

RECORDS HELD BY SIMEKA HEALTH WHICH MUST BE FORMALLY REQUESTED VIA THE PAIA REQUEST FORM BEFORE THE INFORMATION IS SUPPLIED TO A CLIENT AND/OR A THIRD PARTY (UNLESS THE RECORDS PERTAINS TO THE PERSONAL INFORMATION OF A PERSONAL REQUESTER)

(The below list is not exhaustive. Access to records not listed below may be requested from the contact person in point 2 above.)

PRODUCTS AND SERVICES SUBJECTS

- Short Term Insurance – Gap Cover financial services

<ul style="list-style-type: none"> • Medical Scheme's financial services • Primary Care financial services • All records kept in terms of legislation applicable to any of the above products or services and the Financial Services Industry in general
COMPANY RECORDS SUBJECTS
<ul style="list-style-type: none"> • Finance • Actuarial • Client care • Distribution • Marketing • Information technology • Human resources • All records kept in terms of the Company Laws of South Africa
SUBJECTS ON WHOM RECORDS ARE HELD
<ul style="list-style-type: none"> • Shareholders • Policyholders • Directors • Employees of Simeka Health • Prospective Employees of Simeka Health • Applicants • Officials • Subsidiary companies • Advisers • Brokers • Clients (Employer Groups and Individual clients) • Banking institutions • Consultants • Investors • Auditors • External companies contractors • Third-party Service Providers • Associate Companies and Join Ventures
WHICH RECORDS ARE HELD IN RESPECT OF THE ABOVE-MENTIONED SUBJECTS?
<ul style="list-style-type: none"> • Confidential • Personal • Commercial • Financial • Group/company incorporation • Group/company financial • Group/company departments • Strategy • Contractor • Medical • Information technology

• Client
• Product and services
• Contracts
• Research
• Operational
• Trade
• Business
• Internal group/ company divisions
• Group/ company structure
• Operational
• Shareholder
• External Companies
• Broker
• Directors
• Employee
• Banking institutions
• Official/legal

Request procedure

- The requester must use the prescribed form Annexure B attached hereto, in terms of PAIA and submit it to Simeka Health. This request must be made to the Information Officer of Simeka Health. The Information Officer must assist any requester with his or her request for information if necessary and assist with completion of the request form if the requester is disabled or illiterate. The requester must provide sufficient detail on the request form to enable Simeka Health to identify the record and the requester. The requester should also indicate which form of access is required (for instance if the requester is blind, the access will not be via email).
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Simeka Health.

7. FEES

- 7.1 PAIA provides for two types of fees namely:
- 7.1.1 A request fee, which will be a standard fee; and
- 7.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2 When the request is received by the Information Officer, he/she 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.
- 7.3 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 6 (six) hours prescribed in the regulations for this purpose, the Information Officer will notify the requester on the official form to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted. (No more than a 1/3)
- 7.4 The Information Officer will withhold a record until the requester has paid the fees as prescribed.
- 7.5 A requester whose request for access to a record has been granted, must pay an access fee as listed in Annexure to the PAIA Regulations 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 request form.
- 7.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

8. DECISION

- 8.1 The Information Officer must, 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 on the official form.
- 8.2 The 30-day period within which Information Officer 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 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.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for Information Officer to refuse a request for information relates to the –

- 9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve a contravention of the provisions of the Protection of Personal Information Act or such other legislation as may become applicable to the protection of personal information in South Africa;
- 9.2 mandatory protection of the commercial information of a third party, if the record contains:
 - 9.2.1 trade secrets of that third party;
 - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 9.2.3 information disclosed in confidence by a third party to Simeka Health, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 9.2.4 if the information results in a contravention of the Protection of Personal Information Act or such other legislation as may become applicable to the protection of personal information in South Africa;
- 9.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 9.4 mandatory protection of the safety of individuals and the protection of property;
- 9.5 mandatory protection of records which would be regarded as privileged in legal proceedings; and
- 9.6 the financial activities of Simeka Health.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

Should, after a diligent search, the record requested not be found, the Information Officer will by way of affidavit give notification that it is not possible to give access to that record.

10. COMPLAINTS

Requesters who are aggrieved by a decision of the Information Officer of the Simeka Health may submit a complaint to the Information Regulator on the prescribed form.

The address of the Information Regulator is as follows:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za
General enquiries email: inforeg@justice.gov.za

11. AVAILABILITY OF THE MANUAL

A copy of this manual is available for inspection free of charge at Simeka Health's registered office and on the Sanlam website.

12. PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

Simeka Health collects and processes personal information in respect of all stakeholders of Simeka Health. POPIA stipulates that personal information may be collected and processed in accordance with a lawful obligation. Simeka

Health is established in accordance with the Financial Advisory and Intermediary Services Act, with the purpose of providing financial services. To do so, it must collect some personal information to fulfil the contracted services.

ANNEXURE A

Records held in accordance with the following legislation:

Administration of Estates Act (No. 66 of 1965)	Inspection of Financial Institutions Act (No. 80 of 1998) National Credit Act (No. 35 of 2002)
Employment Equity Act (No. 55 of 1998)	Financial Intelligence Centre Act (No. 38 of 2001)
Skills Development Levies Act (No. 9 of 1999)	Financial Advisory and Intermediary Services Act (No. 37 of 2002)
Labour	Trade Marks Act (No. 194 of 1993)
Relations Act (No. 66 of 1995)	Participation Bonds Act (No. 55 of 1981)
Basic Conditions of Employment Act (No. 75 of 1997) Unemployment	National Payment Systems Act (NO. 78 of 1998)
Compensation of Occupational Injuries and Diseases Act (No. 130 of 1993)	Financial Institutions Protection of Funds Act (No. 28 of 2001)
Occupational Health and Safety Act (No. 85 of 1993)	Cybercrimes Act (No. 19 of 2020)
Income Tax Act (No. 58 of 1862 Value Added Tax Act (No. 89 of 1991)	Regulation of Interception of Communications and Provision of Communications-related Information Act (No. 70 of 2002)
Insolvency Act (No. 24 of 1936)	Protection of Personal Information Act (No. 4 of 2013)
Companies Act (No. 61 of 1973)	Prevention of Organised Crime Act (No. 121 of 1998)
Companies Act (No. 71 of 2008)	Short-term Insurance Act (No. 54 of 1998)
Competition Act (No. 89 of 1998)	Prevention and Combating of Corrupt Activities Act (No. 12 of 2014)
Consumer Affairs (Unfair Business Practices Act) (No. 71 of 2008)	South African Reserve Bank Act (No. 90 of 1989)
Consumer Protection Act (No. 68 of 2008)	
Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)	
Financial Sector Regulation Act (No. 9 of 2017)	
Protection of Constitutional Democracy Against Terrorist and Related Activities Act (No. 33 of 2004)	
Medical Schemes Act (No. 131 of 1998) Copyright Act (No. 98 of 1978)	
Arbitration Act (No. 42 of 1965)	

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
Sharon Rubens
2 Strand Road
Bellville
South Africa, 7530
(Address)

E-mail address: sharon@simekahealth.co.za

Fax number: N/A

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer