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Making **Private Healthcare** Affordable and **Accessible** for all South Africans.

PAIA Manual

Promotion of Access to Information

Prime Cure is 100% owned by Kaelo Healthcare and is an accredited managed healthcare services provider.

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Reg. No. 1997 / 017429 / 07

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Introduction

The Promotion of Access to Information Manual is prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA").

Purpose and Scope

One of the main requirements specified in PAIA is the compilation of a manual that provides information on both the categories and types of records held by the public or private body. In terms of PAIA, a private body includes any former or existing juristic person.

Therefore, Kaelo Group is regarded as a "private body" and both the manual and requirements regarding access must be in compliance with the provisions of PAIA relevant to private bodies.

This document serves as the manual in terms of PAIA to provide a reference to the Kaelo Group, its subsidiaries and their divisions, as to the records held and the process that needs to be followed to request access to such records in terms of both PAIA and POPIA.

Definitions

Terms	Meaning
"Kaelo"	Means the Kaelo Group and its subsidiaries and divisions;
"Employee"	Means any person who works for or provides services to or on behalf of Kaelo and receives or is entitled to receive remuneration;
"Guide"	Means the guide published by the Information Regulator in terms of section 10 of PAIA, as amended and updated by the Information Regulator from time to time;
"Information Regulator"	Means the juristic person established under section 39 of POPIA;
"PAIA"	Means the Promotion of Access to Information Act 2 of 2000
"Personal Information"	Has the same meaning as set out in section 1 of POPIA;
"POPIA"	Means the Protection of Personal Information Act 4 of 2013 and any regulations, guidelines or codes of conduct published thereunder, as amended from time to time;
"Requester"	Means any person or entity requesting access to a record that is under the control of Kaelo;
"SAHRC"	Means the South African Human Rights Commission;
"Special Personal Information"	Has the same meaning as set out in section 1 of POPIA;
"the head of Kaelo"	Means the Chief Executive Officer of Kaelo, or any person duly authorised by him or her to carry out the duties ascribed to the "head" of a private body by PAIA; under the control of Kaelo;
"the manual"	Means this manual which is published in accordance with section 51 of PAIA and "this manual" shall have the same meaning;
"the Minister"	Means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

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Administration of PAIA and POPIA

The Chief Executive Officer of Kaelo is Dr. John Jutzen. Dr. Jutzen is the head of Kaelo for the purposes of PAIA.

To enable ease of access to the information, the contact details provided below are to ensure that the requirements of both POPIA and PAIA are administered in a fair, objective and unbiased manner.

Information Officer Contact Details	
Physical Address:	2nd Floor, The Oval, East Wing, Wanderers Office Park, 52 Corlett Drive, Illovo, 2196
Postal Address:	PO Box 3083, Houghton, 2041
Telephone:	(011) 759 9600
Email:	compliance@kaelo.co.za

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide is also available upon request from the Information Officer or can be accessed directly from the Regulator's website Link.

The South African Human Rights Commission Contact Details	
Telephone:	(011) 877-3600
Website:	www.sahrc.org.za

For all other queries or complaints relating to PAIA or POPIA, please contact:

The Information Regulator (South Africa) Contact Details	
Telephone:	(012) 357 8544
Email:	inforeg@justice.gov.za or paia@justice.gov.za
Website:	www.justice.gov.za/inforeg

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Records Available in Accordance with Other Legislation

Certain records held by Kaelo are available in terms of legislation other than PAIA.The specific records which are available in terms of such legislation are set out herein and these records may in certain instances only be accessed by the persons specified in the relevant legislation.

The legislation is as follows:.

Details	Act Number	Year
Basic Conditions of Employment	**Act No. 75 of**	**1997**
Companies	**Act No. 61 of**	**1973**
Companies	**Act No. 71 of**	**2008**
Compensation for Occupational Injuries and Health Diseases	**Act No. 130 of**	**1993**
Consumer Affairs	**Act No. 71 of**	**1988**
Consumer Protection	**Act No. 68 of**	**2008**
Copyright	**Act No. 98 of**	**1978**
Employment Equity	**Act No. 55 of**	**1998**
Financial Advisory and Intermediary Services	**Act No. 37 of**	**2002**
Financial Intelligence Centre	**Act No. 38 of**	**2001**
Financial Markets Control	**Act No. 55 of**	**1989**
Financial Sector Regulations	**Act No. 9 of**	**2017**
Health	**Act No 63 of**	**1977**
Income Tax	**Act No. 58 of**	**1962**
Insolvency	**Act No. 24 of**	**1936**
Insurance	**Act No. 27 of**	**1943**

Details	Act Number	Year
Intellectual Property Laws Amendment	**Act No 38 of**	**1997**
Labour Relations	**Act No. 66 of**	**1995**
Long Term Insurance	**Act No. 52 of**	**1998**
Medical Schemes	**Act No. 131 of**	**1998**
National Health	**Act No. 61 of**	**2003**
Occupational Health and Safety	**Act No. 85 of**	**1993**
Pension Fund	**Act No. 24 of**	**1956**
Prescription	**Act No. 68 of**	**1969**
Short Term Insurance	**Act No. 53 of**	**1998**
Skills Development Levies	**Act No. 9 of**	**1999**
Skills Development	**Act No. 97 of**	**1998**
Trade Marks	**Act No 194 of**	**1993**
Unemployment Contributions	**Act No 4 of**	**2002**
Unemployment Insurance	**Act No 30 of**	**1966**
Value-Added Tax	**Act No 89 of**	**1991**

The Information Officer will take into consideration section 7 of the manual to decide whether or not access to any of the information stated above should be given to the requester.

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Description of Subjects on which Kaelo Holds Records and the Categories of Records Held on Each Subject

Categories of Records	Description of Records Held
Administration	Minutes of meetings of directors Resolutions of the directors of Kaelo
	Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business;
	Memorandum of Incorporation
	Statutory returns to relevant authorities
	Trademark documentation
Corporate Governance	Codes of Conduct
	Corporate social and investment records
	Minutes of meetings of committees and subcommittees
	Executive committee meeting minutes
	Legal compliance records
	Policies
Finance	Accounting records
	Tax records
	VAT records
	PAYE records
	Debtors' records
	Creditors' records
	Insurance records
	Auditors' reports
	Interim and annual financial statements
	Bank statements and other banking records for business and trust accounts
	Invoices issued in respect of debtors and billing information
	Records regarding Kaelo's financial commitments
	Statistic SA returns
Human Resources	List of employees
	Statistics regarding employee
	Employment contracts
	Conditions of employment
	Information relating to prospective employees
	Personnel records including personal details, disciplinary records, performance and internal evaluation records
	Employee tax information
	Records of Unemployment Insurance Fund contributions
	Records regarding group life assurance and disability income protection
	Provident fund records
	Payroll records
	Health and safety records
	Workplace skills plans

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Categories of Records	Description of Records Held
Human Resources	Codes of conduct
	Disciplinary code and procedure
	Grievance procedure
	Appeal procedure
	Remuneration policy
	Internal policies and procedures regarding dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, extended sick leave, study leave, salaries, overtime, bonuses, medical aid, health and safety, adoption leave and benefits, BEE procurement, loans, working parents, black economic empowerment, smoking, use of company resources including telephones, motor vehicles and computers, sexual harassment, HIV-Aids and Pro Bono policy.
	Training schedules and material, Training records and statistics, Training Agreements, Learnership Programme
	Correspondence relating to personnel
Operations	Supplier lists and details of suppliers
	Agreements with suppliers
	Access control records
	Insurance documentation
	Travel documentation
	Client transaction records in respect of services and products, as well as FAIS disclosure documents where applicable
Information Technology	Computer software
	Support and maintenance agreements
	Records regarding computer systems and programmes
Property	Asset registers
	Lease agreements in respect of immovable property
	Records regarding insurance in respect of movable property
	Records regarding insurance in respect of immovable property
Miscellaneous	Internal correspondence
	Policies required in terms of applicable licensing requirements

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Processing Personal Information Under POPIA

Kaelo collects and processes personal information for various purposes including but not limited to the following:

- to meet Kaelo's responsibilities to customers, employees, suppliers and other natural or juristic persons across our business segments;
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests;
- to respond to customers/suppliers' enquiries and complaints;
- to inform customers of new products and/or services;
- to maintain employees', customers' and suppliers' records;
- for recruitment, employment and/or apprenticeship purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage Kaelo's premises and facilities;
- to transact with Kaelo's suppliers and business partners;
- to help Kaelo improve the quality of its products and/or services;
- to detect, prevent and report theft, fraud, money laundering and other crimes. This may include the processing of special personal information, e.g. alleged criminal behaviour, or the supply of false, misleading or dishonest information;
- to enforce and collect on any agreement when Kaelo needs to recover debts; and
- to identify other products and services which might be of interest to data subjects and to inform them about Kaelo's products and services

Kaelo may share the personal information of data subjects for any of the purposes outlined above with the following:

- The Kaelo Group, its subsidiaries and their divisions;
- Kaelo authorised service providers;
- any operators who perform services on behalf of Kaelo;
- any applicable medical aid funds, pension funds, provident funds, credit bureau, and/or recruitment companies;
- the Financial Sector Conduct Authority and the regulators appointed for the various financial sectors; and
- other industry regulators in order to comply with any regulation passed under the relevant legislation, or any legal process

Kaelo has implemented reasonable technical and organisational measures for the protection of personal information processed by Kaelo and its operators (i.e. third parties that process personal information on behalf of Kaelo).

Kaelo continuously implements and monitors technical and organisational security measures to protect the personal information in its possession and control against unauthorised access, accidental or wilful manipulation, loss or destruction.

Kaelo will take steps to ensure that its operators that process personal information on its behalf apply adequate safeguards as outlined above.

Kaelo has implemented reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information, and unlawful access to or processing of personal information.

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Decision Making Process

- 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 requester by way of an 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 requester must be given access if the request would otherwise have been granted.
- Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request; notify the requester 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 requester 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 requester wish to apply to court against the decision.
- 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;
  - Consultation between divisions of Kaelo, or with another private body is required; or
  - The requester consents to the extension.

The requester must be notified within the initial 30-day period in writing of the extension, together with the reasons thereof, and the procedure involved should the requestor wish to apply to court against the extension.

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

- Section 59 provides that the information officer may sever a record and grant access only to that portion to which the law does not prohibit access.
- If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the information officer.
- Kaelo may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of Kaelo itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or Kaelo itself. Access to documents may also be refused on the basis of professional privilege.
- Where a request is refused, a requester may lodge a complaint in writing with the Information Regulator, or apply to the High Court within 180 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The High Court will determine whether the records should be made available or not.

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