

COMPENSATION SOLUTIONS (PTY) LTD

1. INFORMATION MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000

2. THE PRACTICE

Compensation Solutions (Pty) Ltd (Compsol) is a private company providing financial and administration services to medical service providers who treat South African workers who have been injured on duty. By providing pre-funding and/or administration services to entities who might otherwise be reluctant to service work related injuries due to long payment delays, Compsol is able to create an environment in which these medical service providers can serve the Workmen's Compensation market secure in the knowledge of receiving prompt payment without the burden of repetitive claim administration. Because the company handles medical claims and information of clients who practice in accordance with the requirements of the Health Professionals Act of 1974, the Company is also bound to comply with a number of ethical rules issued by the HPCSA, in particular the duty to preserve patient confidentiality, unless legislation or a court order compels it to act otherwise.

3. PURPOSE OF THE MANUAL

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

Section 9 of the Act, recognises that justifiable limitations of the right to access may be permitted. Such justifiable limitations include but are not limited to:

- Reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance.

4. REQUEST FOR INFORMATION

Any person who requests information should do so in accordance with, and in the formats prescribed by, the Act. Refer attachment (The Prescribed Form). It should be noted that commercial information and financial information may be withheld on the grounds sections 63-70.

Fees A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid. You

- (b) The register of members and register of transfer (of members) are available for inspection at the registered office of the auditors of the company.
- (c) Special resolutions are lodged with the Registrar of Companies, and are therefore available for inspection there.
- (d) A register of the directors' is kept at the registered office of the auditors of the company, and is available for inspection.

8. EMPLOYMENT RECORDS

Employees' names and occupations; Time worked by each employee; Remuneration paid to each employee; Salaries and wages register; Disciplinary proceedings, Arbitration awards and CCMA cases; Employment Equity Plans, Skills Development Plans and training records; Staff records; Expense claims; IRP5's and Tax information pertaining to the employment of employees; Employee contracts; Performance management records; Incentive schemes; Conditions of Employment and Policies; Group personal accident; Group life; Locum agreements and locum records.

9. DESCRIPTION OF RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1)(D))

Companies Act 61 of 1973
Basic Conditions of Employment No. 75 of 1997
Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
Currency and Exchanges Act No. 9 of 1933
Debtor Collectors Act No. 114 of 1998
Employment Equity Act No. 55 of 1998
Harmful Business Practices Act No. 23 of 1999
Income Tax Act No. 95 of 1967
Labour Relations Act No. 66 of 1995
Medical Schemes Act No. 131 of 1998
Medicines and Related Substances Control Act of 1965
Occupational Health & Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1956
Regional Services Councils Act No. 109 of 1985
Short Term Insurance Act No. 53 of 1998
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

10. PROCEDURE OF HOW RECORDS CAN BE OBTAINED (MANNER OF ACCESS) – (SECTION 51(1)(E))

The requester must comply with all the procedural requirements as set out in the Act relating to the request for access to a record.

The requester must complete the prescribed form to make the request and submit same as well as payment of a request fee and a deposit (if applicable), to the Information Officer at the postal, physical address, fax number or electronic mail address as noted in the Attachment (The Prescribed Form)

11. PRESCRIBED FEES - (CHAPTER 3 SECTION 54)

The Act provides for two types of fees, namely:

- i) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- ii) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the body in obtaining and preparing a record for delivery to the requester.

When a request is received by the Information Officer, such officer shall by notice require the requester to pay the prescribed request fee, before further processing of the request. (s54(1)). Fees are set out in the Attachment (Fee Structure)

12. INFORMATION OR RECORDS NOT FOUND

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

The affidavit or affirmation shall provide full details of all the steps taken to find the record or to determine its existence, including details of all communications by the Information Officer with every person who conducted the search.

This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access.

The attention of the requester is drawn to the provisions of Chapter 4; Part 3 of the Act in terms of which The company may refuse, on certain specified grounds, to provide information to a requester.

13. INFORMATION REQUESTED ABOUT A THIRD PARTY

Chapter 5; Part 3 of the Act specifies the procedure regarding a request for information or records about a third party

In considering such a request, The company will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him that he may make written or oral representations to the Information Officer why the request should be refused, or give written consent for the disclosure of the record.

14. GROUNDS FOR REFUSAL OF A REQUEST

A private body is entitled to refuse a request for information on the following grounds:

Section 63 provides for the mandatory protection of the privacy of a third party who is a natural person, including a deceased person which would involve the unreasonable disclosure of personal information of that natural person.

Section 64 provides for the mandatory protection of the commercial information of a third party, if the record contains:

- trade secrets of that third party
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- information disclosed in confidence by a third party to the private body, if such disclosure could put that third party at a disadvantage in negotiations or commercial competition;

Section 65 provides for the mandatory protection of confidential information of third parties if such disclosure would constitute a breach of a duty of confidence owed to such third party in terms of any agreement;

Section 66 provides for the mandatory protection of the safety of individuals and the protection of property;

Section 67 provides for the mandatory protection of records, which would be regarded as privileged in legal proceedings;

Section 68 provides for protection of the commercial activities of a private body, which may include:

- any intellectual property which The company might own and which is protected by copyright
- our trade secrets
- our financial, commercial, scientific or technical information, which disclosure could likely cause harm to our financial or commercial interests
- information which, if disclosed, could put us at a disadvantage in negotiations or commercial competition;

Section 69 provides for the protection of our research information or that of a third party, if its disclosure would place us, the third party or the subject matter of the research at a serious disadvantage.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

15. REMEDIES AVAILABLE

Internal Remedies

The company does not have internal appeal procedures. The decision by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response of the Information Officer

External Remedies

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to Court for appropriate relief. A third party who is dissatisfied with an Information Officers decision to disclose information may within 30 days apply to a court for appropriate relief. The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Court, and which is presided over by a designated magistrate.

16. UPDATING OF THE MANUAL

The Company will update this manual at such intervals as may be deemed necessary.

THE PRESCRIBED FORM

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)

A. Particulars of Entity from whom information is required

Entity Name: _____

Information Officer: _____

B. Particulars of Person Requesting Access to the Record

Full Name and Surname: _____

Identity Number: _____

Postal Address (in the Republic): _____

Telephone Number: _____ Fax Number: _____

E-mail Address: _____

Capacity in which Request is made, when made on behalf of another person: _____

C. Particulars of Person on whose Behalf Request is Made:

(This section must only be completed if a request for information is made on behalf of another person. Proof is required for authority in the form of a letter of authorization from the person on whose behalf request is made and a certified copy of the identities of the requester and person on whose behalf the request is made is required)

Full Name and Surname: _____

Identity Number: _____

D. Particulars of Record (Provide full particulars of the record to which access is requested, to enable the record to be located)

1. Description of record or relevant part of the record: _____

2. Reference Number (if known): _____

3. Any further particulars of record: _____

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid
- (b) You will be notified of the amount of the request fee
- (c) 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
- (d) If you qualify for exemption of the payment of any fee, please state the reason therefore:

Reason for Exemption of payment of fees:

F. Form of Access to Record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required

Disability _____

Form in which record is required _____

Mark the appropriate box with an "X"

Notes:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

Copy of record Inspection of Record

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

View the Image Copy of Images Transcription of Images

3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to Soundtrack (Audio Cassette) Transcription of Soundtrack (Written or Printed Document)

4. If the record is held on computer or in an electronic or machine-readable form:

Printed Copy of Record Printed Copy of Information derived from Record

Copy in computer readable form (stiffy or CD)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? (A postal fee is payable)

YES	NO
-----	----

G. Particulars of Right to be Exercised or Protected (if the space is inadequate, please continue on a separate folio and attach to this form)

Indicate which right is to be exercised or protected:

Explain why the requested record is required for the exercising or protection of the right mentioned above:

H. Notice of Decision Regarding Request for Access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed of this decision in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20__

Signature of Requester or Person on whose behalf request is made

FEE STRUCTURE

Reproduction Fees

The applicable fees for reproduction as referred:

The cost to access, reproduce, search for and/or prepare any of the abovementioned records, unless otherwise agreed, is:

For every A4 sized photocopy of a page or part thereof	R1.10
For every printed copy of an A4 sized page or part thereof held on a computer or in electronic or machine readable form	R0.75
for a copy in a computer readable form on: compact disc	R70.00
A transcription of visual images, for an A4 size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4 size page or part thereof	R20.00
For a copy of an audio record	R30.00

Request Fees

Where a requester submits for access to information held by ourselves on a person other than the requester himself/herself, a request fee in the amount of R50, 00 is payable up-front before The Company will further process the request received.

Access fee

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is especially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8)

For every A4 sized photocopy of a page or part thereof	R1.10
For every printed copy of an A4 sized page or part thereof held on a computer or in electronic or machine readable form	R0.75
for a copy in a computer readable form on: compact disc	R70.00
A transcription of visual images, for an A4 size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4 size page or part thereof	R20.00
For a copy of an audio record	R30.00

To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

For purposes of s54(2) of the Act, the following applies:

- six hours will be the limit set before a deposit is payable and
- one third of the access fee is payable as a deposit by the requester
- The postage is payable when a copy of a record must be posted to a requester.

Please note: all fees are exclusive of Value Added Tax (VAT)