

NELESCO 119 (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

Nelesco 119 (Pty) Ltd (Medsol) is a private company providing financial and administration services to medical service providers. 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 will be notified of the amount of the request fee. 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.

5. PRACTICE DETAILS (Section 51(1)(A))

Full Name of practice Nelesco 119 (Pty) Ltd
Trading name Medsol
Company Registration Number: 2004/018766/07

Auditors: TIAM Services

Registered Address 33 7th Avenue
Newton Park
Port Elizabeth
6055

Postal Address (Administration) P.O. Box 28351
Sunridge Park
Port Elizabeth
6008

Managing director J.J.F. Lüttich
Designated Information Officer J van Heerden
Telephone Number 041 395 7000
Fax Number 086 685 4021
E-mail address fritz@compsol.co.za

6. INFORMATION ON FORM OF THE PRACTICE

The entity is a registered private company.

7. LEGISLATION AVAILABLE TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1)(D))

Companies Act 61 of 1973

- (a) All documents of incorporation are lodged at the offices of the Registrar of Companies, and may be inspected there. The documents include the memorandum and articles of association as well as the relevant forms.
- (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. COMPANIES ACT RECORDS

Documents of incorporation; Memorandum and Articles of Association; Minutes of Board of Directors meetings; Records relating to the appointment of Directors/ Auditor/ Public officer; Share Register and other statutory registers.

9. FINANCIAL INFORMATION AND RECORDS HELD

Annual Financial Statements including: Annual accounts, Directors' reports and Auditors' report; Books of Account including journals and ledgers; Supporting schedules to books of account and ancillary books of account; Accounting records; Banking records including: Bank statements, Paid Cheques and Electronic banking records; Delivery notes; Orders; Invoices; Credit notes; Statements; Receipts and Vouchers; Register of Loans; Fixed Asset register; Rental agreements.

10. EMPLOYMENT RECORDS

Employees' names and occupations; Time worked by each employee; Remuneration paid to each employee; Salaries and wages register; Disciplinary code, proceedings, and records; Arbitration awards and CCMA cases; Employment Equity Plans, Skills Development Plans and training records; SETA 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; Provident fund record; Medical Aid records; Training manuals; Training records; Leave records.

11. HEALTH AND SAFETY

Evacuation plan; Information related to Health and Safety Officer.

12. PROPERTY (MOVABLE)

Asset register; Finance and Lease Agreements; Invoices; Registration documents.

13. INTELLECTUAL PROPERTY

Licence agreements; Confidentiality agreements; Consulting agreements.

14. AGREEMENTS AND CONTRACTS

Client agreements; Supplier agreements; Purchase or lease agreements; Rental agreements; Various other agreements.

15. TAX RECORDS

Copies of all Income Tax returns, VAT returns, PAYE returns, Dividend Tax returns and other tax returns and documents relating to these taxes; Documents issued to employees for Income Tax purposes; Records of payment made to SARS on behalf of employees; All other statutory compliances (VAT, SDL, UIF, Workmen's Compensation).

16. LEGAL

Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; Settlement agreements.

17. INSURANCE

Insurance policies; Claim records; Details of insurance coverage, limits and insurers.

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

Companies Act No. 61 of 1973

Companies Act No. 71 of 2008

Basic Conditions of Employment No. 75 of 1997

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993

Consumer Protection Act No. 68 of 2008

Copyright Act No. 98 of 1978

Credit Agreement Act No. 75 of 1980

Currency and Exchanges Act No. 9 of 1933

Debtors 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

Insurance Act No. 27 of 1943

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
Trade Marks Act No. 194 of 1993
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

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

If you wish to request access to any of the above categories of information, you are required to complete the prescribed request form available from: our information officer (see above); the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za). There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in par 20 and in the attached prescribed request form. The fees payable are the maximum prescribed in the Act. The requester must submit the request form 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.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges. Access to information is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for this right. You will be notified whether your request has been approved. The fact that information is held by us and being listed in this manual should not be construed as conferring upon any requester a right to that information.

20. 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).

21. 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.

22. 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.

23. 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.

24. 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.

25. 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: _____

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
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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)