



PAIA MANUAL

as prescribed by the provisions of

**THE PROMOTION OF ACCESS TO INFORMATION ACT,
2000**

DATE OF COMPILATION: MAY 2025

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“DIO”	Deputy Information Officer;
1.2	“GEMS”	Government Employees Medical Scheme;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000
1.6	“PO”	Principal Officer;
1.7	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.8	“Regulator”	Information Regulator;
1.9	“Republic”	Republic of South Africa; and
1.10	“SPN”	Service Provider Network.

2. DEFINITIONS

- 2.1 **Scheme** means GEMS, an organisation that was established in South Africa in terms of the Medical Schemes Act of 1998, with its primary aim being to provide healthcare benefits to government employees and their dependents and having its principal place of business situated at Vutomi House, 124 Mercy Avenue, Menlyn Maine Precinct, Waterkloof Glen, Pretoria Gauteng, Republic of South Africa.
- 2.2 **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.3 **Constitution** means the Constitution of the Republic of South Africa Act No: 108 of 1996;
- 2.4 **Members** refers to any natural or juristic person that received or receives services from the Company;
- 2.5 **Data Subject** has the meaning ascribed thereto in section 1 of POPIA;
- 2.6 **Head of the Scheme** means the “head” as defined in section 1 of PAIA and referred to in clause 4;
- 2.7 **Information Officer** means the GEMS Principal Officer.
- 2.8 **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;
- 2.9 **PAIA** means the Promotion of Access to Information Act, No: 2 of 2000 (as amended);
- 2.10 **Personal Information** has the meaning ascribed thereto in section 1 of POPIA;
- 2.11 **Personnel** refers to any person who works for, or provides services to or on behalf of the GEMS, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the GEMS, which includes, without limitation, all permanent, temporary, and part-time staff as well as contract workers;
- 2.12 **POPIA** means the Protection of Personal Information Act, No: 4 of 2013 (as amended);
- 2.13 **POPIA Regulations** mean the regulations promulgated in terms of section 112(2) of POPIA;
- 2.14 **Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;

- 2.15 **Processing** has the meaning ascribed thereto in section 1 of POPIA;
- 2.16 **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA;
- 2.17 **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- 2.18 **Requester** has the meaning ascribed thereto in section 1 of PAIA;
- 2.19 **Request for Access** has the meaning ascribed thereto in section 1 of PAIA; and Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

3. PURPOSE OF PAIA MANUAL

Purpose of this PAIA manual is to-

- 3.1 check the categories of records held by GEMS which are available without having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of GEMS, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 provide all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 3.4 guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.5 define how GEMS will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.6 define the recipients or categories of recipients to whom the personal information may be supplied;
- 3.7 define if GEMS has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.8 define whether GEMS has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE GOVERNMENT EMPLOYEES MEDICAL SCHEME (GEMS)

4.1 Information Officer

Name:	Dr Stanley Moloabi
Tel:	012 366 4725
Email:	Informationofficer@gems.gov.za
Fax number:	012 362 6413

4.2 Deputy Information Officer

Name:	Mr Andre Cowley
Tel:	012 366 4530
Email:	Informationofficer@gems.gov.za
Fax Number:	012 362 6413

Name: Ms Gloria Nkadameng
Tel: 012 366 4570
Email: Informationofficer@gems.gov.za
Fax Number: 012 362 6413

Name: Dr Selaelo Mametja
Tel: 012 366 5046
Email: Informationofficer@gems.gov.za
Fax Number: 012 362 6413

4.3 Access to information general contacts

Email: Informationofficer@gems.gov.za

4.4 National or Head Office

Postal Address: Private Bag x 1
Hatfield
0028
Physical Address: GEMS Vutomi House
124 Mercy Avenue
Menlyn Maine Precinct
Waterkloof Glen, PRETORIA

Telephone: 012 366 4500
Email: Informationofficer@gems.gov.za
Website: www.gems.gov.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1 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.
- 5.2 Hard copies of the manual are available at receptions of all our buildings for public access.
- 5.3 The aforesaid Guide contains the description of-
- 5.3.1 the objects of PAIA and POPIA;
 - 5.3.2 the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 5.3.2.1 the Information Officer, and
 - 5.3.2.2 every Deputy Information Officer.
 - 5.3.3 the manner and form of a request for-
 - 5.3.3.1 access to a record of a private body contemplated in section 50¹;

¹ Section 50(1) of PAIA- 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 PAIA 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 PAIA.

- 5.3.4 the assistance available from the Information Officer in terms of PAIA and POPIA;
- 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6 all remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 5.3.6.1 an internal appeal;
 - 5.3.6.2 a complaint to the Regulator; and
 - 5.3.6.3 an application with a court against a decision by the Information Officer as per section 74 of the PAIA², a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7 the provisions of sections 51³ requiring a private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8 the provisions of section 52⁴ providing for the voluntary disclosure of categories of records by a private body;
- 5.3.9 the notices issued in terms of sections 54⁵ regarding fees to be paid in relation to requests for access; and
- 5.3.10 the regulations made in terms of section 92⁶.
- 5.4 Members of the public can inspect or make copies of the Guide from the offices of the private bodies, including the office of the Regulator, during normal working hours.
- 5.5 The Guide can also be obtained-
 - 5.5.1. upon request from the Information Officer;
- 5.6 from the website of the Regulator (<http://www.inforegulator.org.za>).
- 5.7 A copy of the Guide is also available at GEMS offices in English for public inspection during normal office hours.

² Section 74 Right of internal appeal to relevant authority

(1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of 'public body' in section 1 (a) to refuse a request for access; or (b) taken in terms of section 22, 26 (1) or 29 (3), in relation to that requester with the relevant authority.

³Section 51(1) Within six months after the commencement of this section or the coming into existence of the private body concerned, the head of a private body must compile a manual containing

⁴ Section 52(1) of PAIA- The IO may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁵ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

⁶ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the Information Officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

6. CATEGORIES OF RECORDS OF GEMS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Type of the record	Available on Website
Scheme Information	Registered GEMS Rules	X
Financial Information	Approved annual integrated report and Annual Financial Statements	X
Membership information	Marketing Brochures	X
	Member Guides	X
	All Applicable Forms	X

7. DESCRIPTION OF THE RECORDS OF GEMS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation	Upon Request/ Website
Certificate of registration	Medical Schemes Act 131 of 1998	Upon request
PAIA Manual	Promotion of Access to Information Act 2 of 2000	On website
All applicable forms	Promotion of Access to Information Act 2 of 2000	On website

8. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names for criminal checks	South African Police Services
	National Prosecuting Authority (NPA)
Qualifications, for qualification verifications	South African Qualifications Authority

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The following are the grounds on which GEMS may, subject to the exceptions contained in the PAIA, refuse a Request for Access in accordance with Chapter 62 of PAIA:

- 9.1 mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;

- 9.2 mandatory protection of the commercial information of a third party, if the records contain:
 - 9.2.1 trade secrets of that third party;
 - 9.2.2 financial, commercial, scientific, or technical information of the third-party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - 9.2.3 information disclosed in confidence by a third party to the GEMS, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 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 that would be regarded as privileged in legal proceedings;
- 9.6 protection of the commercial information of GEMS, which may include:
 - 9.6.1 trade secrets;
 - 9.6.2 financial/commercial, scientific, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of GEMS;
 - 9.6.3 information which, if disclosed, could put the Scheme at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
 - 9.6.4 computer programs which are owned by GEMS, and which are protected by copyright and intellectual property laws;
- 9.7 research information of GEMS or a third party, if such disclosure would place the research or the researcher at a disadvantage; and
- 9.8 Requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- 9.9 Refer to Appendix 2 for description of the subjects on which GEMS holds records, and the categories of records held on each subject. Each of these records are available on request in terms of PAIA subject to Clause 9.

10. PROCEDURE FOR ACCESS TO RECORDS HELD BY GEMS

- 10.1 Section 507 of PAIA prescribes the procedure to be followed in making a request for access to information held by GEMS. Section 23(1) 14 of POPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.
- 10.2 A requester or data subject must use the prescribed form, FORM 2, when requesting access to a record or personal information. FORM 2 is annexed hereto.
- 10.3 A requester is any person making a request for access to a record of GEMS and in this regard, PAIA distinguishes between two types of requests for access to information, i.e. Personal Requesters, (data subject) and other Requester.

⁷ Section 50(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.

- 10.3.1 A PAIA requester is someone who provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, GEMS will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable.
- 10.3.2 A person falling in the category of other Requester is entitled to request access to information pertaining to third parties. However, consent must be provided from the data subject for GEMS to share the information with the third party. GEMS is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.
- 10.4 The FORM 2 must be addressed and submitted to the Information Officer by hand, post, per fax or e-mail, which details are set out in the above paragraph.
- 10.5 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify;
 - 10.5.1 The identity of the requester;
 - 10.5.2 Particulars of record requested;
 - 10.5.3 Type of record;
 - 10.5.4 Form of access; and
 - 10.5.5 Manner of access.
- 10.6 Some additional important points to consider when completing the request form:
 - 10.6.1 Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;
 - 10.6.2 If records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;
 - 10.6.3 A detailed description of the records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify it accurately.
- 10.7 The requester must indicate, as per FORM 2 of PAIA, the form of access that is required.
- 10.8 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 10.9 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 10.10 The requester must indicate the form of access that is required.
- 10.11 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 10.12 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 10.13 An oral request for access to a record(s) may be made if the requester does not have a formal education or has a disability. The Information Officer or Deputy

- Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 10.14 The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further. Please note that the requester is exempted from paying an access fee to the Regulator if -
- 10.14.1 the requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year, or
 - 10.14.2 the requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.
- 10.15 The requester for information will, in terms of Section 56⁸ of PAIA, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, where after the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 10.16 Section 56 of PAIA prescribes the instances where the period of thirty (30) days referenced in Section 25 of PAIA, may be extended once for a further 30 days. The period of 30 days may be extended once for a further period of not more than 30 days, if -
- 10.16.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Scheme;
 - 10.16.2 the request requires a search for records in, or collection thereof from, an office of the GEMS not situated in the same town or city as the office of the Information Officer and cannot reasonably be completed within the original period;
 - 10.16.3 consultation among divisions of GEMS or with another SPN's necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;
 - 10.16.4 the requester consents in writing to such extension.
- 10.17 If the period has been extended, the Information Officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.
- 10.18 According to Section 78⁹ of PAIA, a requester or third party referred to in Section 77A may only apply to a Court for appropriate relief in terms of Section 82 of the Act, after having contacted the Regulator for determination.

Section 56(1) Except if the provisions regarding third party notification and intervention contemplated in Chapter 5 of this Part apply, the Information officer to whom the request is made must, as soon as reasonably possible, but in any event within 30 days, after the request has been received or after the particulars required in terms of section 53 (2) have been received

(a) decide in accordance with this Act whether to grant the request; and
(b) notify the requester of the decision and, if the requester stated, as contemplated in section 53 (2) (e), that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner if it is reasonably possible.

⁹ Section

78(1) A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.

11. REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

- 11.1 If the requester is not satisfied with the decision by GEMS for not granting them access to records, the requester can file a complaint with the Information Regulator. The Regulator has the authority to investigate and make recommendations regarding the refusal.

12. DECISION TO GRANT ACCESS TO RECORDS

- 12.1 GEMS will decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.
- 12.2 The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of records or the request for access requires a search for Records held at service provider network and the Records cannot reasonably be obtained within the original 30-day period.
- 12.3 GEMS will notify the Requester in writing should an extension of time as contemplated above be required.
- 12.4 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the request for access in any other manner, the Requester must state the manner and particulars so required.

13. PROCESSING OF PERSONAL INFORMATION

13.1 Purpose of Processing Personal Information

- 13.1.1 The Scheme process personal information of data subjects that we hold in the following ways –

13.1.1.1 Fulfilling or executing its statutory obligations under Medical Schemes Act, through-

13.1.1.1.1 Receiving claims

13.1.1.1.2 Staff administration and job applications

13.1.1.1.3 Keeping of accounts and records

13.1.1.1.4 Procurement processes

13.1.1.1.5 Complying with other legislation such as Basic Conditions of Employment Act

13.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

GEMS may process records relating to suppliers, stakeholders, contractors, service providers, staff, and members:

Categories of Data Subjects	Personal Information that may be processed
Members	Full Names, Addresses, Membership numbers, Identity numbers, employment status, email address, contact number and Bank details. Medical and Claims records.
Service Providers	Names, Company registration number, VAT numbers, Addresses and Bank details.

Categories of Data Subjects	Personal Information that may be processed
Employees / Members / Committee Members	Gender, health records, marital status; race, age, language, education information (qualifications); financial information; employment history; ID numbers; physical and postal address; contact details (contact number(s), email address); criminal records; family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information, employment history, professional affiliation, and references.

13.3 Planned transborder flows of personal information.

13.3.1 GEMS has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, GEMS will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Regulator is obliged under POPIA.

13.3.2 Any transfer of personal information cross border shall be with data subject's consent, however, should it not be reasonably practicable to obtain data subject's consent, the Regulator shall transfer the personal information if –

13.3.2.1 It will be for the data subject's benefit; and

13.3.2.2 The data subject would have given consent should it have been reasonably practicable to obtain such consent.

13.4 General description of Information Security Measures

13.4.1 GEMS continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

13.4.1.1 Loss of, damage to or unauthorised destruction of personal information; and

13.4.1.2 Unlawful access to or processing of personal information.

13.4.2 GEMS has taken reasonable measures to:

13.4.2.1 Identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

13.4.2.2 Establish and maintain appropriate safeguards against the risks identified;

13.4.2.3 Regularly verify that the safeguards are effectively implemented; and

13.4.2.4 Regularly ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

13.4.3 Measures taken by GEMS includes, amongst others –

13.4.3.1 Access control;

- 13.4.3.2 Data Encryption;
- 13.4.3.3 Defensive Measures;
- 13.4.3.4 Robust Monitoring, Auditing and Reporting capabilities;
- 13.4.3.5 Data backups;
- 13.4.3.6 Anti-virus and Anti-malware Solutions;
- 13.4.3.7 Awareness and Vigilance; and
- 13.4.3.8 Agreements are concluded with Operators to implement security controls.
- 13.4.3.9 Staff training on POPIA Compliance

14. FEES PAYABLE

- 14.1 When the Request for Access is received by the Information Officer, the Information Officer 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 for Access.
- 14.2 Prescribed request fees are set out in in the annexure attached herewith.
- 14.3 If the search for a record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- 14.4 The Information Officer will withhold a Record until the Requester has paid the fees set out in the annexure.
- 14.5 A requester whose request for Access to a Record has been granted, must pay an access fee 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 a requested form provided for in PAIA.
- 14.6 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.

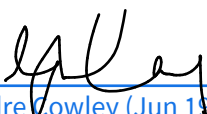
15. AVAILABILITY OF THE MANUAL

- 15.1 A copy of the Manual is available on www.gems.gov.za ;
 - 15.1.1 Head Office and Regional Offices of the Government Employees Medical Scheme (GEMS) for public inspection during normal business hours; and
 - 15.1.2 to any person upon request and upon the payment of a reasonable prescribed fee.
 - 15.1.3 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

16. REVISION OF THE MANUAL


The manual will be revised every 3 years, or earlier if required.

17. APPROVAL



Andre Cowley (Jun 19, 2025 12:31 GMT+2)

Mr Andre Cowley
Chief Compliance Officer



Dr Stan Moloabi (Jun 25, 2025 03:13 GMT+2)

Dr BOS Moloabi
Principal Officer

Service Provider Networks

Medscheme (Pty) Ltd
Metropolitan Health
Performance Health (Medikredit)
PNMP
Europe Assistance
DENIS
Medipost
Opticlear
ASI
Marara

19. APPENDIX 2

Description of the subjects on which GEMS holds records, and the categories of records held on each subject. Each of these records are available on request in terms of PAIA subject to Clause 9 (Grounds for refusal for access to records).


Category of Records	On Request
Governance Records	X
Employees Records	X
Contractual Commercial Records	X
Financial Records	X
Health Care Provider Records	X
Membership Records	X

LIST OF APPLICABLE LEGISLATION

Constitution of the Republic of South Africa	Tax Administration Act, 28 of 2011	Income Tax Act, 58 of 1962
Securities Transfer Tax Act, 25 of 2007	Value-Added Tax Act, 89 of 1991	Employment Tax Incentive Act, 26 of 2013
Customs Duty Act, 30 of 2014	Securities Transfer Tax Administration Act, 26 of 2007	Financial Advisory and Intermediary Services Act, 37 of 2002
Financial Sector Regulation Act, 2017	Financial Institutions (Protection of Funds Act), 28 of 2001	Financial Markets Act, 19 of 2012 (only the Market Abuse (Insider trading) sections of the Act are applicable)
Financial Intelligence Centre Act, 38 of 2001	Long-term Insurance Act, 52 of 1998	Short-term Insurance Act, 53 of 1998
Short-term Policy Protection Rules 2017	Insurance Act 18 of 2017	Pension Funds Act, 24 of 1956
Employment Equity Act, 55 of 1998	Labour Relations Act, 66 of 1995	Unemployment Insurance Act, 63 of 2001
Unemployment Insurance Contributions Act, 4 of 2002	Skills Development Act, 97 of 1998	Skills Development Levies Act, 9 of 1999
Basic Conditions of Employment Act, 75 of 1997	Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000	Protected Disclosures Act, 26 of 2000
Public Holidays Act, 36 of 1994	Medical Schemes Act, 131 of 1998	Medical Schemes Act, 131 of 1998- Regulations
Medicines and Related Substances Act, 101 of 1965	Pharmacy Act, 53 of 1974	Health Professions Act, 56 of 1974
Council for Medical Schemes Levies Act, 58 of 2000	National Health Act, 61 of 2003	Allied Health Professions Act, 63 of 1982
Mental Health Care Act, 17 of 2002	Nursing Act, 33 of 2005	Prevention of Treatment for Substance Abuse Act, 70 of 2008
Children's Act, 38 of 2005	Competition Act, 89 of 1998	Trademarks Act, No.194 of 1993
Termination of Pregnancy Act 92 of 1996		
Companies Act 2008	Merchandise Marks Act, 17 of 1941	Patents Act, 57 of 1978
Arbitration Act, 42 of 1965	Consumer Protection Act, 68 of 2008	Interpretation Act, 33 of 1957

Prescription Act, 68 of 1969	Prescribed Rate of Interest Act, 55 of 1975	Conventional Penalties Act, 15 of 1962
Insolvency Act, 24 of 1936	Currency and Exchanges Act, 9 of 1933	Extension of the Powers of the South African Reserve Bank Act, 95 of 1990
Broad-Based Black Economic Empowerment Act, 53 of 2003	Copyright Act, 98 of 1978	Occupational Health and Safety Act, 85 of 1993
Compensation for Occupational Injuries and Diseases Act, 130 of 1993	National Building Regulations and Building Standards Act, 103 of 1977	Dangerous Weapons Act, 15 of 2013
Disaster Management Act, 57 of 2002	Firearms Control Act, 60 of 2000	Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972
Hazardous Substances Act, 15 of 1973	National Environmental Management Act, 107 of 1998	National Environmental Management: Air Quality Act 39 of 2004
National Environmental Management: Biodiversity Act, 10 of 2004	National Water Act, 36 of 1998	Drugs and Drug Trafficking Act, 140 of 1992
Water Services Act, 108 of 1997	Protection of Personal Information Act, 4 of 2013	Promotion of Access to Information Act, 2 of 2000
Documentary Evidence from Countries in Africa Act, 62 of 1993	Human Rights Commission Act, 54 of 1994	State Information Technology Agency Act, 88 of 1998
Electronic Communications and Transactions Act, 25 of 2002	Regulation of Interception of Communications and Provision of Communication-related Information Act, 70 of 2002	Broadcasting Act, 4 of 1999 (TV Licenses)
Prevention and Combatting of Corrupt Activities Act, 12 of 2004	Prevention of Organised Crime Act, 121 of 1998	Criminal Procedure Act, 51 of 1977
Administration of Estates Act, 66 of 1965	Justices of the Peace and Commissioners of Oath Act, 16 of 1963	Administrative Adjudication of Road Traffic Offences Act, 46 of 1998
Promotion of Administrative Justice Act, 3 of 2000	Road Accident Fund Act, 56 of 1996	Apportionment of Damages Act, 34 of 1956
Civil Proceedings Evidence Act, 25 of 1965	Contingency Fees Act, 66 of 1997	Civil Union Act, 17 of 2006
The South African National Roads Agency Limited and National Roads Act, 7 of 1998	Debt Collectors Act, 114 of 1998	Road Accident Fund (Transitional Provisions) Act, 15 of 2012

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall



update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

COMPLETION OF ACCESS REQUEST FORM

- 1 The Access Request Form must be completed.
- 2 Proof of identity is required to authenticate the identity of the requester. Attach a copy of the requester's identification document.
- 3 Type or print in **BLOCK LETTERS** an answer to every question.
- 4 If a question does not apply, state "**N/A**".
- 5 Mark the applicable box with an "**X**".
- 6 If there is nothing to disclose in reply to a question, state "**NIL**".
- 7 When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.

Particulars of the Scheme

The Information Officer:

Physical address	GEMS Vitamin House 124 Mercy Avenue Menlyn Maine Precinct Waterkloof Glen, PRETORIA
Postal address:	Private Bag x 1 Hatfield 0028
Telephone number:	012 366 4500
Email Address	InformationOfficer@gems.gov.za

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

(Address)

E-mail address:

--

Fax number:

--

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: <table border="1"><tr><td></td></tr></table>	
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

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.)

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

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	
Postal services to postal address	
Postal services to street address	

Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

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) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- 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 for exemption*

Reason	

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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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made.

FOR OFFICIAL USE

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

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of a private body (<i>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</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

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

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>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</i>)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

Fees payable with regards to your request:

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none">• a flash drive (provided by the requester)• a compact disc (CD) if the requester provides the CD to us• a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester)	R40.00
	For a copy of an audio record on compact disc (CD) if the requester provides the CD to us	R40.00
	For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R60.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure	R145.00
	The search and preparation fee cannot exceed	R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.

11. Postage, email, or any other electronic transfer Actual expense, if any.

4. **Deposit payable (if search exceeds six hours):**

☐ Yes

☐ No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information Officer

Part 1

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

Purpose of the Processing of Personal Information	Type of Processing
<ol style="list-style-type: none"> 1. To provide services to the Customer in accordance with terms agreed to by the Customer; 2. To undertake activities related to the provision of services and transactions, including: <ol style="list-style-type: none"> 2.1 to fulfil foreign and domestic legal, regulatory and compliance requirements and comply with any applicable treaty or agreement with or between foreign and domestic governments applicable to the Company 2.2 to verify the identity of Customer representatives who contact the Company or may be contacted by the Company; 2.3 for risk assessment, information security management, statistical, trend analysis and planning purposes. 2.4 to monitor and record calls and electronic communications with the Customer for quality, training, investigation and fraud prevention purposes; for crime detection, prevention, investigation and prosecution; to enforce or defend the Company's rights; and to manage the Company's relationship with the Customer. 2.5 The purposes related to any authorised disclosure made in terms of agreement, law or regulation; 2.6 Any additional purposes expressly authorised by the Customer; and 2.7 Any additional purposes as may be notified to the Customer or Data Subjects in any notice provided by the Company 	<p>Collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.</p>

Part 2

Categories of Data Subjects and categories of Personal Information relating thereto

Categories of Data Subjects and categories of Personal Information relating thereto	Data Subject	Personal Information Processed
<p>1. Customer:</p> <p>1.1 Corporate</p> <p>Customer Profile information including, account details, payment information, corporate structure, customer risk rating and other customer information including to the extent the categories of information relate to individuals or representatives of customers (e.g., shareholders, directors, etc.) required for the above-mentioned purposes</p> <p>1.2 Individual:</p> <p>Name; contact details (Company E-Mail Address, Company Telephone Number), client details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile or Wireless Number, Personal E-Mail Address); regulatory identifiers (e.g. tax identification number); Account information (Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type, Bank account balance); transaction details and branch details; “know-your customer” data, photographs; other identification and verification data as contained in images of ID card, passport and other ID documents; images of customer signatures)</p>	<p>Juristic Persons.</p> <p>Natural Persons.</p>	<p>Personal data relating to a Data Subject received by or on behalf of the Company from the Customer, Customer affiliates and their respective representatives and related parties in the course of providing accounts and services to the Customer or in connection with a transaction or services. Customer personal data may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, voiceprints, bank account and transactional information (where legally permissible), to the extent that these amount to personal data under POPIA.</p>
<p>2. Payment beneficiaries:</p> <p>Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type; beneficiary address, transaction details; payment narrative and, membership numbers.</p>	<p>Natural Person</p>	

3. Personnel: Name; employee ID number; business contact details (address/telephone number/email address)	Natural Person	
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Part 3

Recipients of Personal Information

The Company, its affiliates, service providers and their respective representatives

Part 4

Cross border transfers of Personal Information

When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.

Part 5

Description of information security measures

The Company undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. The Company may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1 Access Control of Persons

The Company shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2 Data Media Control

The Company undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Company and containing personal data of Customers.

3 Data Memory Control

The Company undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data.

4 User Control

The Company shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

5 Access Control to Data

The Company represents that the persons entitled to use the Company's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization).

6 Transmission Control

The Company shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of the Company's data communication equipment / devices.

7 Transport Control

The Company shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8 Organization Control

The Company shall maintain its internal organization in a manner that meets the requirements of this Manual.

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018**

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....

Signature of data subject/designated person

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR
DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION
24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018**

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	

B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)