

**GEMS Access to Information Manual in terms of Section 51 of the  
Promotion of Access to Information Act, No. 2 of 2000.**

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## 1. INTRODUCTION

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GEMS is a Medical Scheme incorporated in terms of the Medical Schemes Act 131 of 1998.

This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, No.2 of 2000 (**"the Act"**). GEMS is a private body as defined in the Act and the manual contains the information prescribed in Section 51(1) of the Act. The information contained is as follows:

- The contact details of the Head of the private body;
- A description of the guide referred to in Section 10 of the Act;
- The latest notice published by the Minister under section 52(2) of the Act;
- A description of the records available in the private body in terms of any legislation other than the Act;
- A description of subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record; and
- Other information prescribed by regulation.

The manual will be updated on a regular basis in accordance with the requirements of Section 51(2) of the Act.

## 2. CONTACT DETAILS

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The Principal Officer of GEMS is Dr Stanley Moloabi, who is the Head of GEMS for the purposes of the Act, and is the person to whom requests for access to information should be addressed. His contact details are as follows:

### **PHYSICAL ADDRESS:**

Government Employees Medical Scheme  
Vutomi House, 124 Mercy Avenue  
Menlyn Maine Precinct  
Waterkloof Glen  
Pretoria

**POSTAL ADDRESS:**

Government Employees Medical Scheme  
Private Bag X1  
Hatfield  
0028

**TELEPHONE:** (012) 366 4500  
**FAX:** (012) 362 6413  
**E-MAIL ADDRESS:** [po@gems.gov.za](mailto:po@gems.gov.za)

**3. SECTION 10 ON HOW TO USE THE ACT**

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The SAHRC has, in terms of Section 10 of the Act, published a Guide to assist persons wishing to exercise their rights in terms of the Act.

The Guide may be obtained from the SAHRC.

Any person wishing to obtain the Guide may either access it through the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za) or should contact:

**PHYSICAL ADDRESS:**

The South African Human Rights Commission  
EAIA Unit  
The Research and Documentation Department  
29 Princess of Wales Terrace  
Cnr. York and St Andrews Street  
Parktown  
Johannesburg

**POSTAL ADDRESS:**

The South African Human Rights Commission  
EAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

**TELEPHONE:** (011) 484- 8300  
**FAX:** (011) 484-7146

**E-MAIL ADDRESS:** [paia@sahrc.gov.za](mailto:paia@sahrc.gov.za)



#### **4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

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Records available in terms of other legislation are as follows:

- **Medical Schemes Act 131 of 1998;**
- **Protection of Personal Information Act 4 of 2013;**
- **Labour Relations Act 66 of 1995;**
- **Employment Equity Act 55 of 1998;**
- **Basic Conditions of Employment Act 75 of 1997;**
- **Compensation for Occupational Injuries and Disease Act 130 of 1993;**
- **Unemployment Insurance Act 63 of 2001;**
- **Income Tax Act 58 of 1968; and**
- **Prevention and Combating of Corrupt Activities Act 12 of 2004.**

#### **5. DESCRIPTION OF THE SUBJECTS ON WHICH GEMS HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

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The following is a list of subjects on which GEMS holds records and the categories into which these fall.

The procedure in terms of which such records may be request from GEMS is set out Section 7 of the manual.

##### **Medical Schemes Act Records**

- Records relating to the registration of GEMS as a medical scheme;
- The Rules of GEMS and Rule amendments;
- Minutes of meetings of GEMS' Board of Trustees ("the Board");
- Minutes of meetings of Board Committees;
- Board Resolutions;
- Board and Committee action lists;
- Annual Reports; and
- Fraud Forum Records.

##### **Trustee and Independent Committee Member Records**

- Trustees' personal details;
- Records on the appointment and election of Trustees and Independent Committee Members;
- Trustee and Independent Committee Member Remuneration records; and
- Attendance registers.

### **Management Records**

- Internal and external correspondence;
- GEMS' policies and procedures; and
- Management reports.

### **Financial Records**

- Monthly Management Accounts;
- Annual Financial Statements;
- Auditor's reports;
- Banking records;
- Rental agreements;
- Investment reports;
- Asset Register;
- Invoices; and
- Records regarding insurance held by GEMS in respect of movable and immovable property.

### **Income Tax Records**

- PAYE Records;
- Documents issued to employees for income tax purposes; and
- Records of payment made to SARS on behalf of employees.

### **Employee Records**

- List of Employees;
- Appointment records and employment contracts;
- Records of Unemployment Insurance Fund contributions;
- Payroll records;
- Health and Safety records;
- Codes of conduct and undertakings of confidentiality;
- Internal policies and administrative forms;
- Organizational structure;
- Training schedules;
- Employee medical aid contribution records;
- Employee pension fund contribution records; and
- Personnel records including personal details, disciplinary records, performance and assessment records.

### **Service Providers/Suppliers and reimbursement**

- Supply chain database;
- Bid Evaluations Reports;



- Agreements with healthcare providers and other providers including administration, managed care, chronic medication, marketing, telemarketing and professional services providers;
- Details of health care providers participating on the GEMS Networks;
- GEMS' current and previous tariff files; and
- Fraud Investigation records.

#### **Information Technology**

- Computer software;
- User statistics; and
- Software licenses.

#### **Member Records**

- Membership details;
- Member claim statements;
- Member contribution statements;
- Member medical records;
- Member *ex gratia* applications and payments;
- Pre-authorisation applications and decisions; and
- Fraud Investigation Records.

### **6. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST**

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- a) At this stage, no notice has been published on the categories of records that are automatically available from GEMS without a person having to request access thereto in terms of the Act.
- b) However, certain records are available on the GEMS website [www.gems.gov.za](http://www.gems.gov.za). The records include:
  - The registered Rules of GEMS;
  - Marketing Brochures and Guides;
  - Publications;
  - Membership Application forms; and
  - Annual Reports.

### **7. REQUEST PROCEDURE IN TERMS OF THE ACT**

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- a) A request for access to records held by GEMS in terms of section 50 of the Act must be made on the form contained in the Regulations regarding the Promotion of Access to Information Act, 2002 (Form C). A copy of the form is attached as Annexure A to this document. The request must be made to the Principal Officer at the address, fax number or email address, specified in section 2 above.

- b) The requester must provide sufficient detail on the prescribed form to allow GEMS to identify the record or records which have been requested and to identify the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to GEMS. The requester is also required to indicate the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.
- c) The requester is required to identify the right he/she or it is seeking to exercise or protect by accessing records held by GEMS and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- d) GEMS may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the Act which includes that access would result in the unreasonable disclosure of personal information about a third party.
- e) GEMS is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of GEMS' decision in another reasonable manner as well, this manner must be set out in the request and the relevant details must be included to allow GEMS to inform the requester in the preferred manner.
- f) GEMS will make a decision in relation to a request for access to records within thirty days of receipt of the request, unless third parties are required to be notified of the request or the thirty day period is extended as provided for in the Act and will notify the requester accordingly.
- g) A requester aggrieved by the Principal Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may apply to court within one hundred and eighty (180) days of being informed of the decision in question for an appropriate order. The Court may confirm, amend or set aside the decision complained of and make certain ancillary orders.
- h) A copy of Personal Information kept by GEMS will be furnished to the data owner upon request in terms of the provisions of the Protection of Personal Information Act and the data owner may dispute any information in the record provided.
- i) If GEMS has utilised the Personal Information contrary to the Protection of Personal Information Act 4 of 2013, the data owner may first resolve any concerns with GEMS. If he/she is not satisfied with such process, he/she will have the right to lodge a complaint with the Information Regulator.



- j) All personal information requests will be dealt with in accordance with the Protection of Personal Information Act 4 of 2013 and the Promotion of Access to Information Act 2 of 2000, as well as the Regulations and Guidelines issued thereunder.

## **8. FEES PAYABLE**

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- a) The Fees for reproduction of a record as referred to in Section 52(3) are as follows:

• For every photocopy of an A4 page or part thereof	<b>R1. 10</b>
• For every printed copy of an A4-size page or part thereof	<b>R0.75</b>
• For a copy of a compact disc	<b>R70.00</b>
• For a transcription of visual images for an A4 size page or part thereof	<b>R40.00</b>
• For a copy of visual images	<b>R60.00</b>
• For a transcription of an audio record, for an A4-size page or part thereof	<b>R20.00</b>
• For a copy of an audio record	<b>R30.00</b>

The request fee payable by a requester, other than a personal requester is **R50.00**

- b) The access fee payable for searching for the record for disclosure is R30.00 for each hour or part of an hour reasonably required for such search.
- c) If the Principal Officer is of the opinion that six hours will be exceeded to search, reproduce and or prepare the information requested, a deposit is payable equal to one third of the access fee referred to in paragraph 8(b) above.
- d) Single persons whose annual income after permissible deductions does not exceed R14 712.00, as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00, are exempted from paying access fees.

## **9. Information or records not found**

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- a) If all reasonable steps have been taken to find a record and such a record cannot be found or if the records sought do not exist, then the Principal Officer shall inform the requester, by way of an affidavit or affirmation, that it is not possible to give access to the record requested.
- b) The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Principal Officer with the persons who conducted the search.

- c) If the record in question is found at a later stage, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Principal Officer.

**10. Updating of Manual**

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- a) The Scheme may update this manual every 12 months or at such intervals as may be deemed necessary.

**FOR AND ON BEHALF OF THE GOVERNMENT EMPLOYEES MEDICAL SCHEME**



Dr. BOS Moloabi  
Principal Officer

Date: 22 December 2020

**Annexure A**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

Regulation 10

**A. Particulars of Private Body:**

The Head:

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**B. Particulars of person requesting access to the record:**

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Names and Surname:

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Identity Number: \_\_\_\_\_

Postal Address:

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Attention: \_\_\_\_\_

Fax: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_



**C. Particulars of person on whose behalf request is made:**

This section must be completed ONLY if a request is made on behalf of another person.

**Full names and Surname:**

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**Identity number:** \_\_\_\_\_

**D. Particulars of record:**

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

Description of record or relevant part of the record:

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Reference number, if available: \_\_\_\_\_

Any further particulars of record:

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**E. Fees:**

- (a) A request for access to a record, other than record containing personal information about you, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which 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 for exemption from payment of fees:

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**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 below, state your disability and indicate in which form the record is required.

Disability:	Format in which record is required:
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Mark the appropriate box with an X.

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend 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:**

<input type="checkbox"/>	<b>Written</b>	<input type="checkbox"/>	<b>Printed</b>
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**2. If the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches etc.):**

<input type="checkbox"/>	<b>View the images</b>	<input type="checkbox"/>	<b>Copy of images</b>	<input type="checkbox"/>	<b>Transcription of images</b>
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<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of sound track (written or printed document)
<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>			
	Printed copy of record		Printed copy of information derived from the record
			Copy in computer readable form (Flash disk or compact disc)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  <b>Please note that postage fees are applicable.</b>			YES   NO

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected:

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

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**H. Notice of decision regarding request for access:**

You will be informed in writing whether your request has been approved or declined. If you wish to be informed 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(s)?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of requester or person on whose behalf request is made