
PAIA and POPI MANUAL

of

COIDLINK PROPRIETARY LIMITED

(Registration number 2001/011415/07)

*(Prepared in accordance with the Promotion of Access to Information Act, No. 2 of 2000 and
the Protection of Personal Information Act, No. 4 of 2013)*

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PART 1: PRELIMINARY MATTERS

1. INTRODUCTION AND OVERVIEW

1.1 About COIDLink

1.1.1 **COIDLINK PROPRIETARY LIMITED** (registration number 2001/011415/07) ("COIDLink") provides injury-on-duty ("IoD") discounting or pre-funding, risk and claims management services to medical service providers in South Africa.

1.1.2 As an integral part of providing such services, COIDLink interacts with (and receives records and documents from, and discloses records and documents to) various persons and entities who are involved in the employment, medical treatment and compensation of employees who get injured or contract diseases whilst on duty ("Patients") as contemplated in the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993 (as amended) ("the COID Act"). Such persons and entities include: (i) the Patients themselves, (ii) their employers, (iii) medical practitioners and medical facilities or service providers (collectively, "Medical Services Providers"), (iv) medical aid schemes, and (v) IoD Funders (*as defined in paragraph 1.5.21.5.1 below*).

1.1.3 Further general information on COIDLink, its operations and activities can be obtained from its website at www.coidlink.co.za.

1.2 PAIA

1.2.1 The Promotion of Access to Information Act, No. 2 of 2000 ("the PAIA") seeks to give effect to the constitutional right of access to information as contained in section 32 of the Constitution of the Republic of South Africa, 1996 ("the Constitution").

1.2.2 The PAIA seeks to advance the constitutional values of transparency and accountability by (among other things) promoting a society in which

South African people have effective access to information to enable them to exercise and protect their rights. Thus, the PAIA establishes certain statutory rights of persons and entities who seek access to records of (among other things) a private body if:

- that record is required for the exercise or protection of any rights;
- that Requester complies with all the procedural requirements; and
- access is not refused in terms of any ground referred to in the PAIA.

1.2.3 Section 9 of the PAIA recognizes, however, that the right to access information cannot be unlimited, and should be subject to justifiable limitations, including:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

1.3 PoPI Act

The Protection of Personal Information Act, No. 4 of 2013 ("the PoPI Act") seeks to:

- 1.3.1 give effect to the constitutional right to privacy as contained in section 14 of the Constitution; and
- 1.3.2 safeguard personal information by regulating the manner in which it may be processed by public and private bodies.

1.4 This Information Manual

- 1.4.1 Section 51 of the PAIA requires a private body to publish a manual to assist Requesters who wish to request access to information of the types and categories that are referred to in the PAIA (and in this document).

1.4.2 This document serves as COIDLink's information manual as contemplated and required in the PAIA and section 4 of the Regulations to the PoPI Act ("the Information Manual"), and facilitates access to the records held by COIDLink, and caters for the processing of personal information held by COIDLink from time to time.

1.4.3 This Information Manual is available for inspection on COIDLink's website (www.coidlink.co.za) and during normal business hours and on reasonable prior notice at COIDLink's offices, situated at Building 3, Greenpark Estates, 27 George Storrar Drive, Groenkloof, Pretoria, 0181. This Information Manual is also available at the offices of South African Human Rights Commission that are referred to in paragraph 4.3 below.

1.5 Definitions

Any reference in this Information Manual to:

1.5.1 "*Data Subject*" is to the (natural or juristic) person to whom personal information relates;

1.5.2 "*IoD Claims*" is to claims made under and in terms of the COID Act;

1.5.3 "*IoD Funder*" is to: (a) the Compensation Commissioner, who is the officer appointed in terms of section 2(1)(a) of the COID Act; and/or (b) any other person or entity (including a mutual association, self-funding employer and exempted employer) who is liable to settle IoD Claims;

1.5.4 "*Information Acts*" is to both the PAIA and the PoPI Act;

1.5.5 "*personal information*" is to that term as defined in section 1 of the PoPI Act;

1.5.6 "*Personnel*" is to COIDLink's employees, partners, directors, agents, consultants, contractors, sub-contractors, attorneys, auditors and other professional advisors from time to time;

1.5.7 "*processing*" is to that term as defined in section 1 of the PoPI Act;

- 1.5.8 “Requester” is to any (natural or juristic) person who makes a request for access to a record of COIDLink;
- 1.5.9 the word “including” or “include” is to be construed as meaning “including, but not limited to”;
- 1.5.10 monetary figures are in South African (Rand) currency; and
- 1.5.11 section numbers are, unless otherwise specified, to the sections of the PAIA.

1.6 Interpretation

- 1.6.1 This Information Manual is based on the laws of South Africa as at the date on which this Information Manual is adopted.
- 1.6.2 This Information Manual may be amended, supplemented or replaced at any time and as and when laws to which this Information Manual relates change or are repealed, as the case may be.

1.7 Document Structure

This Information Manual is structured in multiple parts or sections as follows:

- 1.7.1 Part 1 introduces this Information Manual, its objectives and other preliminary matters;
- 1.7.2 Part 2 deals with how Requesters of relevant information and records that are in COIDLink’s custody may request COIDLink to grant them access to such information and records, in compliance with and subject to the relevant provisions of the Information Acts;
- 1.7.3 Part 3 provides for the minimum conditions for lawful processing by COIDLink (in its capacity as a Responsible Party under the PoPI Act) of personal information of Data Subjects; and
- 1.7.4 Part 4 contains the various schedules that are referred to in Parts 2 and 3 of this Information Manual.

PART 2: RIGHT TO ACCESS INFORMATION UNDER THE PAIA

2. WHO MAY REQUEST ACCESS TO INFORMATION

2.1 Requirements

The PAIA prescribes that:

- 2.1.1 records held by COIDLink may be accessed by request only once the requirements for access have been met;
- 2.1.2 a Requester is entitled to access a record only if the record is required for the exercise or protection of a right;
- 2.1.3 if a public body lodges a request, the public body must be acting in the public interest; and
- 2.1.4 if no grounds for refusal exist, the information must be provided.

2.2 Requesters

There are two types of persons or entities who may request access to a record kept by COIDLink ("Requesters"), namely a personal Requester and an agent Requester. ¹

2.2.1 Personal Requester:

A personal Requester is a Requester who is seeking access to a record containing personal information about the Requester him/herself.

- COIDLink will voluntarily provide the requested information, or give access to any record with regard to the Requester's own personal information. The prescribed fee for the reproduction of the

¹ A Requester may therefore act in different capacities in making a request for a record. This will, however, affect the amount of fees to be charged when a request is lodged.

information requested will be charged, as provided in paragraph 11.3 below.

2.2.2

Agent Requester:

This Requester (other than a personal Requester) is entitled to request access to information on third parties ("an Agent Requester").

- In considering a request from an Agent Requester, COIDLink will comply with the provisions of section 71 of the PAIA, which require that COIDLink's Information Officer takes all reasonable steps to inform the third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer as to why the request should be refused or, where required, give written consent for the disclosure of the Information.
- In addition, an Agent Requester must submit proof of the capacity in which that Agent Requester is making the request to the reasonable satisfaction of the Information Officer (*section 53(2)(f)*).

3. INFORMATION OFFICER

3.1 General

3.1.1 Section 51(1)(a)(i) of the PAIA prescribes the appointment of an Information Officer to be responsible for (among other things) the assessment of requests for access to information.

3.1.2 The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in the PoPI Act. Accordingly, the Information Officer oversees the functions and responsibilities as required in both of the Information Acts.

3.1.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the PAIA and section 56 of the PoPI Act. This is in order to render COIDLink as accessible as reasonably possible for Requesters of its records and to

ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the PoPI Act.

3.2 COIDLink' Information Officers

3.2.1 COIDLink has designed two of its Personnel as its Information Officer and Deputy Information Officer, respectively.

3.2.2 Details of COIDLink's Information Officer are as follows:

Information Officer	:	Mr Bethwell Lekhuleni
Physical Address	:	Building 3, Greenpark Estates 27 George Storrar Drive Groenkloof Pretoria, 0181
Postal Address	:	P. O. Box 11912 Hatfield Pretoria, 0028
Telephone Number	:	012-364 0600
E-Mail Address	:	privacy@coidlink.co.za

3.2.3 All requests for information in terms of the PAIA must be addressed to COIDLink's Information Officer

4. **GUIDE OF SA HUMAN RIGHTS COMMISSION**

4.1 Requesters are referred to the Guide in terms of section 10 of the PAIA which has been compiled by the South African Human Rights Commission ("the SAHRC"), which guide contains information for the purposes of exercising constitutional rights.

4.2 The Guide describes, in each official language:

4.2.1 the objectives of the PAIA;

- 4.2.2 the process that needs to be followed in order to make a request;
 - 4.2.3 how to get copies of the Guide at no charge;
 - 4.2.4 how to get access to the manual of a private body; and
 - 4.2.5 all the remedies available in law to a Requester.
- 4.3 The Guide is available from the SAHRC, whose contact details are:

The South African Human Rights Commission		
Physical Address	:	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown, Johannesburg
Postal Address	:	Private Bag 2700, Houghton 2041
Telephone Number	:	011-877 3600
E-Mail Address	:	PAIA@sahrc.org.za
Website Address	:	www.sahrc.org.za

5. **RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC** *[Section 51(1)(b)(ii)]*

Subject to paragraph 8 below, no notice has been published pursuant to section 51(1)(b)(ii), regarding the categories of records which are automatically available without having to request access in terms of PAIA.

6. **RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION** *[section 51(1)(b)(iii)]*

- 6.1 Where applicable to its operations, COIDLink retains records and documents in terms of the legislation set out below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these Acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the PAIA, the relevant legislation mentioned below and applicable internal policies and

procedures of COIDLink, should such interested parties be entitled to such information.²

- 6.1.1 Constitution of the Republic of South Africa, 1996;
- 6.1.2 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- 6.1.3 Occupational Health and Safety Act, No. 85 of 1993;
- 6.1.4 Basic Conditions of Employment Act, No. 75 of 1997;
- 6.1.5 Broad-Based Black Economic Empowerment Act, No. 75 of 1997;
- 6.1.6 Business Act, No. 71 of 1991;
- 6.1.7 Competition Act, No. 89 of 1998;
- 6.1.8 Companies Act, No. 71 of 2008;
- 6.1.9 Consumer Protection Act, No. 68 of 2008;
- 6.1.10 Employment Equity Act, No. 55 of 1998;
- 6.1.11 Financial Intelligence Centre Act, No. 38 of 2001;
- 6.1.12 Income Tax Act, No. 58 of 1962;
- 6.1.13 Inspection of Financial Institutions Act, No. 80 of 1998;
- 6.1.14 Labour Relations Act, No. 66 of 1995;
- 6.1.15 Prevention of Organised Crime Act, No. 121 of 1998;
- 6.1.16 Promotion of Access to Information Act, No. 2 of 2000;
- 6.1.17 Protected Disclosures Act, No. 26 of 2000;
- 6.1.18 Protection of Personal Information Act, No. 4 of 2013;

² Note, however, that a request to access any records must at all times be done in accordance with the overarching prescriptions of the Information Acts as set out in this Information Manual.

- 6.1.19 Protection of Constitutional Democracy against Terrorist and Related Activities Act, No. 33 of 2004;
- 6.1.20 Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002
- 6.1.21 Securities Transfer Tax Administration Act, No. 26 of 2007;
- 6.1.22 Skills Development Act, No. 97 of 1998;
- 6.1.23 Skills Development Levies Act, No. 9 of 1999;
- 6.1.24 Unemployment Insurance Act, No. 63 of 2001;
- 6.1.25 Unemployment Insurance Contributions Act, No. 4 of 2002; and
- 6.1.26 Value Added Tax Act, No. 89 of 1991.

6.2 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 the PAIA, we shall update the list accordingly.

6.3 Note that the information will only be provided in accordance with the requirements stipulated in the relevant pieces of legislation. If a Requester believes that a right to access to a record exists in terms of the legislation 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 to consider the request in light thereof.

6.4 It should be noted further that the accessibility of documents and records may be subject to the grounds of refusal set out in paragraph 13 below and elsewhere in this Information Manual, the Information Acts and any other applicable law.

7. TYPES OF RECORDS HELD BY COIDLINK

7.1 COIDLlink maintains records on the following categories and subject matters:

- 7.1.1 Statutory Company Records (including incorporation documents, share register, directors' information and board minutes and resolutions);
- 7.1.2 Financial Records (including accounting records, invoices, age analyses, tax returns, policies and procedures);
- 7.1.3 IoD Claim information (including Medical Services Providers' records and reports, Patients' identity records, affidavits, clinical data, diagnosis, medical records, employers' reports, claim documentation, agreements, invoices, statements and other documentation evidencing, supporting and/or relating to IoD Claims);
- 7.1.4 COIDLink Personnel's Records (including identities, medical aid, addresses, employment contract salaries, leave records and telephone lists);
- 7.1.5 Sales and Marketing (including advertising and promotional material, details of Medical Services Providers, and employers' records);
- 7.1.6 Patient Databases (including IoD reports, medical reports and addresses);
- 7.1.7 Risk Management and Audit (including audit reports, risk management frameworks, and risk management plans);
- 7.1.8 Information Technology (including hardware asset registers, manuals and recovery plans);
- 7.1.9 Standard Terms and Conditions for supply of services; and agreements with Medical Services Providers, and providers of goods and services;
- 7.1.10 Policies, procedures and standards; and
- 7.1.11 Administrative information.

7.2 Please note, however, that:

- 7.2.1 referring to a category or subject-matter in this Information Manual does not imply that a request for access to records of such subject-matter would necessarily and/or automatically be granted;
- 7.2.2 all requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Information Acts; and
- 7.2.3 in particular, the accessibility of records may be subject to the grounds of refusal set out in paragraph 13 below. For instance, among others, records deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to normal requirements, before COIDLink will grant access.

8. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

- 8.1 Records of a public nature, typically those disclosed on COIDLink’s website, may be accessed without the need to submit a formal application or request.
- 8.2 Other non-confidential records, such as statutory records maintained at the Companies and Intellectual Property Commission (CIPC), may also be accessed without the need to submit a formal application or request. It is noteworthy, however, that an appointment to view copies or versions of such records that are in COIDLink’s custody will still have to be made with COIDLink’s Information Officer or Deputy Information Officer.

9. WHAT TO CONSIDER BEFORE SUBMITTING A REQUEST

The following steps must be considered before submitting a request:

- 9.1 *Step 1: Are you entitled to use the PAIA to request access?*

Please take note that section 7(1) of the PAIA states that:

“This Act does not apply to a record of a public body or a private body if:

(a) that record is requested for the purpose of criminal or civil proceedings;

(b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and

(c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.”

If section 7(1) of the PAIA applies, you may not bring a request in terms of the PAIA. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings that you are involved in. COIDLink reserves the right to claim all expenses and other damages incurred as a result of a Requester submitting a request in contravention of section 7(1) of the PAIA.

9.2 *Step 2: Does the information requested exist in the form of a record?*

Please note that the PAIA only applies to records that are in existence at the time of us receiving your request. The PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, the PAIA cannot be used to obtain reasons for a decision taken by COIDLink if such reasons are not in the form of a record.

9.3 *Step 3: Is the record in the possession or under the control of COIDLink?*

The PAIA provides that the record requested must be in COIDLink’s possession or under its control. Therefore, even if a record was created by COIDLink or at some point in COIDLink’s possession (but no longer in COIDLink’s control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

10. **HOW TO SUBMIT A REQUEST FOR ACCESS**

Please consider the steps in paragraph 9 above before submitting your request. Once you are satisfied that none of the prohibitions mentioned there apply to you, you may proceed to submit a request as follows:

10.1 **Completion of Access Request Form**

To facilitate a timely response to requests for access, all Requesters should take note of the following when completing the Access Request Form:

- The Access Request Form, attached to this Information Manual as **Schedule 1**, must be completed.

- Proof of identity is required to authenticate the identity of the Requester – in addition to the Access Request Form, Requesters will be required to supply a certified copy of their identification document or a valid passport document, or if a legal entity, a certified copy of the Company Registration Certificate.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “NIL” in response to that question.
- If there is insufficient space on the printed form, additional information may be provided of an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

Please note that the successful completion and submission of an Access Request Form does not automatically allow the Requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the PAIA. If it is reasonably suspected that the Requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such Requester.

10.2 **Submission of Access Request Form**

10.2.1 The completed Access Request Form, together with a certified copy of the Requester’s identity document, must be addressed to the Information Officer and submitted *via* the contact details stated in paragraph 3.2 above.

10.2.2 A Requester who seeks access to a record containing personal information about that Requester is not required to pay the request fees. An Agent Requester must pay the required fee as set out in paragraph 11 below.

10.3 **Submission Rules and Requirements**

10.3.1 The Requester must comply with all the procedural requirements contained in the PAIA (as read with this Information Manual) relating to requests for access to records.

10.3.2 The Requester must complete the prescribed form enclosed herewith, and submit it (as well as payment of a request fee and a deposit (if

applicable)) to the Information Officer or the Deputy Information Officer using the details appearing in paragraph 3.2 above.

- 10.3.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify: (i) the record or records requested, and (ii) the identity of the Requester.
- 10.3.4 The Requester should indicate which form of access is required and specify relevant contact details of the Requester in South Africa;
- 10.3.5 The Requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected. The Requester must clearly specify why the record is necessary to exercise or protect such a right (*section 53(2)(d)*).
- 10.3.6 If a request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer (*section 53(2)(f)*).
- 10.3.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 10.3.8 The Requester must pay the prescribed fee, before any further processing can take place.
- 10.3.9 All information as listed in this paragraph 10 should be provided, failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the Requester has furnished all the necessary and required information.
- 10.3.10 The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

11. **PRESCRIBED FEES** [*section 92 of PAIA*]

11.1 Introduction and Explanation

11.1.1 The PAIA provides for two types of fees, namely:

- a request fee, which is a form of administration fee to be paid by all Requesters except Personal Requesters, before the request is considered; this fee is not refundable; and
- 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 private body in obtaining and preparing a record for delivery to the Requester.

11.1.2 When the request is received by the Information Officer, such officer shall by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee, before further processing of the request (*section 54(1)*).

11.1.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the Requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

11.1.4 A Requester whose request for access to a record has been granted must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 the request form.

11.1.5 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the Requester.

11.1.6 COIDLink may withhold a record until the Requester has paid the applicable fees.

11.1.7 All fees are subject to change as allowed for in the PAIA and as a consequence, such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

11.2 Request Fee

11.2.1 A request fee of R50.00 (excluding VAT) is payable upfront (i.e. before COIDLink will further process the request received) where a Requester submits a request for access to information on anybody else other than the requestor.

11.2.2 The Requester may lodge an application with a Court against the payment of the request fee in terms of section 54(3)(b) of the PAIA.

11.3 Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Information Category	Fee Amount
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

11.4 Access Fee

The applicable fees (excluding VAT) which will be payable are:

Information Category	Fee Amount
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

11.5 Postage Fee

Where a copy of the record needs to be posted, the actual postal fee is payable in addition to the applicable fees.

11.6 Deposits

11.6.1 Where COIDLink receives a request for access to information held on a person other than the Requester himself/herself and COIDLink's Information Officer is, upon receipt of the request, of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the Requester.

11.6.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

11.7 Payment of Fees

11.7.1 COIDLink's bank account and other payment details can be obtained from the Information Officer and payments can be made either *via* a direct deposit or electronic funds transfer. Proof of payment must be supplied *via* the contact details stated in paragraph 3.2 above.

11.7.2 If the request for access is successful, an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees as set out in the regulations to the PAIA.

11.7.3 The access fee must be paid prior to access being given to the requested record.

12. **NOTIFICATION**

12.1 The Information Officer will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. If the Requester requires the reasons for COIDLink's decision in any other manner, the Requester will be obliged to state which manner and the particulars required.

12.2 This 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or the request requires a search for information held at other offices of COIDLink and the information cannot reasonably be obtained within the original 30 (thirty) day period. The Requester will be notified in writing should an extension be sought.

13. **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

13.1 In terms of the PAIA, COIDLink may refuse a request for information. The main grounds for COIDLink to refuse a request for information relates to:

13.1.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in the PoPI Act, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

13.1.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the PoPI Act;

13.1.3 mandatory protection of the commercial information of a third party if the record contains:

- trade secrets of the third party; ii. 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 COIDLink, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property; and/or
- mandatory protection of records which would be regarded as privileged in legal proceedings.

13.2 The commercial activities of a private body, such as COIDLink, which may include:

13.2.1 trade secrets of COIDLink;

13.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of COIDLink;

- 13.2.3 information which, if disclosed could put COIDLink at a disadvantage in negotiations or commercial competition;
- 13.2.4 a computer program which is owned by COIDLink, and which is protected by copyright; and
- 13.2.5 the research information of COIDLink or a third party, if its disclosure would disclose the identity of COIDLink, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 13.3 In addition, requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 13.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation, including the Information Acts.

14. **LOST RECORDS**

If COIDLink cannot find the records that a Requester is looking for despite reasonable and diligent search and COIDLink believes either that the records are lost or that the records are in its possession but unattainable, the Requester will receive a written notice in this regard from the Information Officer setting out the measures taken to locate the records and accordingly the inability to locate the records. 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 to such record.

15. **REMEDIES AVAILABLE WHEN COIDLINK REFUSES A REQUEST**

15.1 Internal Remedies:

- 15.1.1 COIDLink does not have internal appeal procedures. As such, the decision made by COIDLink's Information Officer is final.
- 15.1.2 Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and a Requester is not satisfied with the answer supplied by the Information Officer.

15.2 External Remedies:

- 15.2.1 A Requester that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 (thirty) days of notification of the decision, apply to a Court for relief.
- 15.2.2 A third party who is dissatisfied with the Information Officer's decision to grant a request for information may, within 30 (thirty) days of notification of the decision, apply to a Court for relief.
- 15.2.3 For purposes of the PAIA, 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 Development and which is presided over by a designated Magistrate.

PART 3: PROCESSING OF PERSONAL INFORMATION UNDER THE PoPI ACT

16. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY COIDLINK

16.1 Chapter 3 of the PoPI Act provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in the PoPI Act.

16.2 COIDLlink needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions, as more fully described in paragraph 1.1 above. The manner in which this information is Processed and the purposes for which it is Processed is determined by COIDLlink. COIDLlink is accordingly a Responsible Party for the purposes of the PoPI Act and will ensure that the Personal Information of a Data Subject:

16.2.1 is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by COIDLlink, in the form of privacy or data collection notices. COIDLlink must also have a legal basis (for example, consent) to process Personal Information;

16.2.2 is processed only for the purposes for which it was collected;

16.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose;

16.2.4 is adequate, relevant and not excessive for the purposes for which it was collected;

16.2.5 is accurate and kept up to date;

16.2.6 will not be kept for longer than necessary;

16.2.7 is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by COIDLink, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage; and

16.2.8 is processed in accordance with the rights of Data Subjects, where applicable. A Data Subject has the right to:

- be notified that their Personal Information is being collected by COIDLink. The Data Subject also has the right to be notified in the event of a data breach;
- know whether COIDLink holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Information Manual;
- request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- object to COIDLink's use of their Personal Information and request the deletion of such Personal Information (deletion is, however, subject to COIDLink's record keeping requirements, contractual and legal restrictions and/or obligations);
- object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- complain to the Information Regulator regarding an alleged infringement of any of the rights protected under the PoPI Act and to institute civil proceedings regarding the alleged non-compliance with the protection of his/her/its personal information.

17. **PURPOSE OF PROCESSING**

The purpose for which COIDLink processes personal information depends on the nature of the information. In general, COIDLink processes personal information for purposes of conducting the business activities that are described in paragraph 1.1 above, including:

- 17.1 to source, pay, pre-pay, administer, process and institute IoD Claims;
- 17.2 to carry out actions for the conclusion and performance of contracts;
- 17.3 to keep accounts of records;
- 17.4 to administration Personnel;
- 17.5 to comply with obligations imposed by law;
- 17.6 to protect the legitimate interests of Data Subjects; or
- 17.7 where it is necessary for pursuing the legitimate interests of COIDLink.

18. **CATEGORIES OF DATA SUBJECTS**

COIDLink processes personal information relating to the following categories of Data Subjects:

- 18.1 Patients;
- 18.2 employers of Patients;
- 18.3 Medical Services Providers;
- 18.4 medical aid schemes;
- 18.5 IoD Funders;
- 18.6 Personnel;
- 18.7 consultants;
- 18.8 contractors;

- 18.9 clients;
- 18.10 service providers;
- 18.11 suppliers; and
- 18.12 other third parties with whom COIDLink conducts business.

19. CATEGORIES OF INFORMATION

COIDLink processes personal information relating to the following categories of information:

- 19.1 In respect of natural persons, the categories of personal information which COIDLink processes may include:
 - 19.1.1 name;
 - 19.1.2 identifying number (identity or passport number);
 - 19.1.3 date of birth;
 - 19.1.4 citizenship;
 - 19.1.5 age;
 - 19.1.6 gender;
 - 19.1.7 race;
 - 19.1.8 marital status;
 - 19.1.9 language;
 - 19.1.10 telephone number(s);
 - 19.1.11 email address(es);
 - 19.1.12 physical and postal addresses;
 - 19.1.13 income tax number;

- 19.1.14 banking information;
 - 19.1.15 medical information and records;
 - 19.1.16 disability information;
 - 19.1.17 employment history;
 - 19.1.18 background checks;
 - 19.1.19 fingerprints;
 - 19.1.20 CVs;
 - 19.1.21 education history;
 - 19.1.22 remuneration and benefit information; and
 - 19.1.23 details related to employee performance and disciplinary procedures.
- 19.2 In respect of juristic persons, the categories of personal information which COIDLink processes may include:
- 19.2.1 name;
 - 19.2.2 registration number;
 - 19.2.3 tax information;
 - 19.2.4 contact details;
 - 19.2.5 physical and postal addresses;
 - 19.2.6 FICA documentation;
 - 19.2.7 B-BBEE certificates;
 - 19.2.8 UIF records;
 - 19.2.9 COIDA records;
 - 19.2.10 IoD Claim records;

- 19.2.11 payment details (including bank accounts);
- 19.2.12 invoices; and
- 19.2.13 contractual agreements.

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

The categories of recipients to whom COIDLink may supply the personal information will depend on the nature of the information. In general, such categories of recipients would include:

- 20.1 IoD Funders;
- 20.2 Medical Services Providers;
- 20.3 Patients;
- 20.4 Patients' employers;
- 20.5 medical aid, pension or provident funds;
- 20.6 auditing and accounting bodies (internal and external);
- 20.7 third parties with whom COIDLink has contracted for the retention of data;
- 20.8 relevant authorities, government departments, statutory bodies or regulators; or
- 20.9 a court, administrative or judicial forum, arbitration or statutory commission making a request in terms of the applicable laws or rules.

21. INFORMATION SECURITY MEASURES

COIDLink strives to take appropriate, reasonable technical, technological and organisational measures to secure and ensure the integrity, confidentiality and availability of personal information in its possession or under their control. These measures include:

- 21.1 firewalls;

- 21.2 virus protection software and update protocols;
- 21.3 logical and physical access control;
- 21.4 secure set-up of hardware and software making up the IT infrastructure;
- 21.5 outsourced service providers who process Personal Information on behalf of COIDLink who are contracted to implement security controls.

22. **ACTUAL OR PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

COIDLink may, from time to time, transfer data trans-border in order to store data with third party cloud storage providers.

23. **OBJECTION TO PROCESSING OF PERSONAL INFORMATION** *[section 11(3)(a) of PoPI Act]*

A Data Subject may at any time object to the processing of his/her/its personal information in the prescribed form attached to this manual as **Schedule 2**, subject to exceptions contained in the PoPI Act.

24. **REQUEST FOR CORRECTION OR DELETION OF INFORMATION** *[section 24 of PoPI Act]*

A Data Subject may request that his/her/its personal information be corrected or deleted in the prescribed form attached as **Schedule 3**.