

## **NOTICE TO STAKEHOLDERS**

### **DISCLOSURE OF CONFIDENTIAL DATA AND INFORMATION IN HEALTH MARKET INQUIRY (HMI) DATA ACCESS ROOM**

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Dear Stakeholder,

1. The HMI has over the past two months engaged extensively with stakeholders on the issue of access to confidential data and information relied upon in conducting its research and analyses.
2. The HMI has further considered various stakeholder representations made in response to the Notice published on 14 February 2017, as well as its own position on the issue.
3. This notice hereunder sets out Panel's decision and approach in granting third party access to confidential information forming the basis of HMI's research and analyses.
4. The HMI will be publishing further expenditure analyses reports over the next month. It has already published three of these reports.
5. In carrying out the analyses, the HMI has used the data from medical schemes, medical scheme administrators and hospital groups. This data contains confidential information.
6. In terms of section 69(2)(b) of the Competition Act, 1998 (the Act), the Commission may disclose confidential information for the purposes of the proper administration and enforcement of the Act. The proper administration of the Act requires the Commission to conduct the HMI in accordance with the requirements of openness and fairness.

7. The HMI has used the data to carry out expenditure analyses, which will culminate in the following reports:
  - (a) Data Quality and Descriptive Statistics;
  - (b) Overall Cost Trends and Attribution Analysis;
  - (c) Prescribed Minimum Benefits;
  - (d) Facility analyses;
  - (e) Practitioner analyses;
  - (f) Funder analyses;
  
8. The analyses focus on the following affected group of stakeholders:
  - (a) Facility groups, including Netcare, MediClinic; Life Healthcare National Hospital Network hospitals; and other independent hospitals;
  - (b) Practitioner groups relating to, *inter alia*, the following: ophthalmologists, psychiatrists, anaesthetists; general surgeons; pathologists, radiologists; and specialist physicians.
  - (c) Funder groups: restricted and open medical schemes; and medical scheme administrators.
  
9. To comply with the requirements of openness and fairness, the HMI has called upon the affected stakeholders to comment on the expenditure analysis reports.
  
10. For the purposes of facilitating a fair opportunity to comment on the expenditure analyses reports, the Commission, has decided to disclose the confidential information to a restricted group of external advisers of the affected group of stakeholders. This disclosure is necessary in order to allow advisers an opportunity to better understand the analyses by the HMI affecting the stakeholders concerned and to respond effectively to the expenditure analyses.

11. Having regard to the sensitive nature of the Data, the HMI considers that access should be governed by strict rules. The external advisers of the affected stakeholders will have access to the Data in the Access Room. Access to the Data will be governed by the Access Room rules set out in items 24 – 33 of the Supplementary Guideline No. 2.
12. The HMI wishes to reiterate that it has processed only de-identified / anonymised data for its analyses. As such, the HMI has not retained any raw patient-level data.
13. The data access room will be located at the HMI offices at Trevenna Campus, Block 2A, 4th Floor, 70 Meintjie Street, Sunnyside, Pretoria. Tel: (012) 762 6900 and will be opened each day from **09H00** and **16H00**, as from **10 May 2017** until **24 May 2017**.
14. To ensure proper planning and to avoid unnecessary delays to the Access Room, the affected stakeholders are required to submit their requests to the Inquiry Director on or before **20 April 2017** of the following:
  - (a) The date when they would like to access the Data;
  - (b) Full particulars of external advisers who will be accessing; and
  - (c) The undertaking by each external adviser in the prescribed form or a form substantially similar to Annexure C of Supplementary Guideline No 2.
15. It is important that the requests for data access be specific and illustrate why such access is required. This is essential in preparing the data room and to ensure that access to confidential information is not unreasonably requested or improperly disclosed.
16. All requests must be made in writing, in accordance with the prescribed forms annexed to Supplementary Guideline No 2 and submitted to [ClintO@healthinquiry.net](mailto:ClintO@healthinquiry.net) and [PaulinaM@compcom.co.za](mailto:PaulinaM@compcom.co.za)

17. While every effort will be made to schedule the viewing dates, so as to accommodate stakeholders' needs, the HMI cannot guarantee that this will always be possible.

18. The HMI will publish a time table for the viewing of the Data in the Access Room on 26 April 2017.

Issued on: 12 April 2017

Clint Oellermann

Inquiry Director