

## **NOTICE TO STAKEHOLDERS**

### **Access to Confidential Information held by the Health Market Inquiry**

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Dear Stakeholder,

1. The Health Market Inquiry (HMI) is at an advanced stage of its analytical phase and has commenced with the publication of documents for public comment, as outlined in the Revised Administrative Timetable dated 1 December 2016.
2. Following the publication of the first series of documents, the HMI has received a number of stakeholder requests for access to the underlying data and information, relied upon in the compilation of these documents.
3. The information and data collected by the HMI in the compilation of documents already published as well as those still to be published, includes information submitted to the Inquiry in respect of which confidentiality has been claimed by the submitter of such information and data, in terms of s44 of the Competition Act 89 of 1998 as amended ("the Act").
4. The HMI on 1 September 2015 published Supplementary Guideline No.2, in which it reiterated that, the Commission (of which the HMI is a part) has no power itself to grant access to information that is the subject of a claim of confidentiality, and which has not been finally determined not to be confidential information, in terms of the Act.
5. Supplementary Guideline No. 2 is intended to facilitate and manage a process by which access to confidential information may take place with the consent of the submitter; or pursuant to an order concerning access in the event that such an order were to be made by the Tribunal in terms of s 44(3)(b) or s 45(1)(b) of the Act. In line with the legal framework for access to confidential information, stakeholders should ensure that such requests are specific and focussed.

6. In order to respond to the various stakeholder requests for access to data and information that is subject to claims of confidentiality, the HMI hereby invites all stakeholders who have submitted such confidential data and information to the Inquiry to a meeting to engage the stakeholders on their respective attitudes towards granting access to their data, as well as to discuss how requests for access will be managed.
7. In order to manage the large number of stakeholders affected, the HMI intends to hold a series of meetings, grouped according to stakeholder categories, over a period of three days, from 6 to 8 February 2017.
8. All the stakeholder meetings will be held at the HMI offices, located on the 4<sup>th</sup> Floor at the Trevena Campus, Meintjie Street, Sunnyside, Pretoria. The relevant dates for these meetings are as follows:
  - 8.1 Hospital Groups**  
6 February 2017 at 10:00
  - 8.2 Medical Schemes and Administrators**  
7 February 2017 at 10:00 (1<sup>st</sup> session)  
7 February 2017 at 14:00 (2<sup>nd</sup> session)
  - 8.3 Practitioners and Other Stakeholders Groups**  
8 February 2017 at 10:00
9. In preparation for these meetings, stakeholders are urged to reflect on their respective positions on the granting of access, as stakeholders will be requested to provide the HMI with their positions and views on the granting of access to their own information submitted to the HMI, over which confidentiality has been claimed. In addition, stakeholders are requested to refer to the guidelines dealing with access to data.
10. Stakeholders are requested to kindly confirm their attendance at one of the above meetings by email to [phenyoM@healthinquiry.net](mailto:phenyoM@healthinquiry.net) by 16:00 on Wednesday 1 February 2017.
11. If stakeholders are unable to attend meetings on the allocated date for their respective group, they may make use of the alternative dates.
12. A final list of confirmed attendees will be published on the HMI website by Friday 3 February 2017.

13. The HMI wishes to thank all stakeholders for their cooperation and assistance in this matter.

Issued on: 27 January 2017

Clint Oellermann

Inquiry Director