



Manual in Terms of Section 51 of

**The Promotion of Access to Information Act 2 of 2000
("PAIA")
And
The Protection of Personal Information Act 4 of 2013
("POPIA")**

FRESENIUS KABI SOUTH AFRICA (PTY) LTD

Company registration number: 1998/006230/07

Stand 7, Growthpoint Park
162 Tonetti Street,
Extension 7,
Midrand
Gauteng
1685

Represented by its management

(Hereinafter referred to as "**FKSA**)

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1. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“PAIA”) gives effect to the constitutional right of access to any information in the form of records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

The Protection of Personal Information Act, No 4 of 2013 (“POPIA”) seeks to promote the protection of personal information processed by public and private bodies. The Act introduces certain conditions so as to establish minimum requirements for the processing of personal information. The Act provides for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the act and the Promotion of Access to Information Act 2 of 2000.

One of the requirements specified in the PAIA, is the compilation of an information manual that provides information which includes the types and categories of records held by a private body (this relates to PAIA) as well certain information relating to the processing of personal information (this relates to the POPI Act).

The PAIA and the POPI Act are collectively referred to in this document as the “**Acts**”.

Fresenius Kabi South Africa (Pty) Limited (Registration No.1998/006230/07) conducts business as a company providing infusion therapy, IV generic medicines, clinical nutrition and medical devices. Fresenius Kabi South Africa is an authorised manufacturing pharmacy in terms of the Pharmacy Act No 53 of 1974 and the licence number is GP00071M. The company is situated at Stand 7, Growthpoint Park, 162 Tonetti Street, Extension 7, Midrand, Gauteng, South Africa.

2. CONTACT DETAILS (Section 51 (1) (a))

Persons designated/duly authorised persons:

Directors:

- Mr. MH Tiitinen
- Mrs. G Rahim
- Mr. ZJ Langford
- Ms. AM Nel

Managing Director: Mr. MH Tiitinen



Postal Address: P.O. Box 4156, Halfway House Johannesburg, 1685 Street Address: Stand 7, Growthpoint Park, 162 Tonetti Street, Extension 7, Midrand, Gauteng, South Africa.

Telephone Number: +27 (0) 11 545 0041

Fax Number: +27 (0) 11 545 0060

Email: Mikko.Tiitinen@fresenius-kabi.com

Leah.Madiba@fresenius-kabi.com

Website: www.fresenius-kabi.com/za

3. THE ACTS

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the PAIA Act. The Information Regulator is required to update (and make available) the Guide to include information required by persons wishing to exercise any right contemplated in the POPI Act.
- 3.3 Requesters are referred to the Guide which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27 (0) 11 877 3600

Fax Number: +27 (0) 11 403 0625

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4. AVAILABILITY OF RECORDS (SECTION 51(1)(B)(II))

Records	Subject	Availability
Public Affairs	<ul style="list-style-type: none">• Public Product Information• Public Corporate Records	Freely available on web site www.fresenius-kabi.com/za

- Media Releases

Financial	<ul style="list-style-type: none"> • Financial Statements • Financial and Tax Records (Company & Employees) • Fixed Asset Register • Management Accounts 	<p>Not Available</p> <p>Not Available</p> <p>Not Available</p> <p>Not Available</p>
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Marketing	<ul style="list-style-type: none"> • Market Information • Public Customer Information: <ul style="list-style-type: none"> ○ Product Brochures ○ Owner Manuals • Field Records • Performance Records • Product Sales Records • Marketing Strategies • Customer Database • Dealer Franchise Documents 	<p>Information available on web site. www.fresenius-kabi.com/za</p> <p>Not available Request in terms of PAIA</p> <p>Not available</p> <p>Not available</p> <p>Not available Request in terms of PAIA</p> <p>Not available Request in terms of PAIA</p> <p>Not available Request in terms of PAIA</p>
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5. APPLICABLE LEGISLATION (Section 51 (1) (c))

Act	Details
No.66 of 1966	Administration of Estates Act
No.46 of 1998	Administrative Adjudication of Road Traffic Offences Act
No.42 of 1965	Arbitration Act
No. 75 of 1997	Basic Conditions of Employment Act
No.34 of 1964	Bills of Exchange Act
No. 46 of 2013	Broad-Based Black Economic Empowerment Amendment Act
No.4 of 1999	Broadcasting Act
No.17 of 2006	Civil Union Act
No. 69 of 1984	Close Corporations Act
No. 61 of 1973	Companies Act
No. 71 of 2008	Companies Act
No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
No. 89 of 1998	Competition Act
No.108 of 1996	Constitution of the Republic of South Africa
No. 68 of 2008	Consumer Protection Act
No. 98 of 1978	Copyright Act
No. 37 of 1997	Counterfeit Goods Act
No.51 of 197	Criminal Procedure Act
No. 09 of 1933	Currency and Exchanges Act
No. 91 of 1964	Customs and Excise Act
No.23 of 1979	Dissolution of Marriages and Presumption of Death Act
No.70 of 1979	Divorce Act

No.3 of 1992	Domicile Act
No.140 of 1992	Drugs and Drug Trafficking Act
No.36 of 2005	Electronic Communications Act
No.25 of 2002	Electronic Communication and Transactions Act
No. 55 of 1998	Employment Equity Act
No.45 of 1955	Estate Duty Act
No. 37 of 2002	Financial Advisory and Intermediary Services Act
No.60 of 2000	Firearms Control Act
No.68 of 1997	Identification Act
No.13 of 2002	Immigration Act
No. 95 of 1967	Income Tax Act
No.13 of 2000	Independent Communications Authority of South Africa Act
No.24 of 1936	Insolvency Act
No.16 of 1963	Justices of the Peace and Commissioners of Oaths Act
	King IV Code on Corporate Governance
No. 66 of 1995	Labour Relations Act as amended
No.6 of 2004	Local Government: Municipal Property Rates Act
No.32 of 1994	Magistrates Court Act
No. 25 of 1961	Marriage Act
No.101 of 1965	Medicines and Related Substances Act as amended.
	Memorandum of Incorporation
No. 85 of 1993	Occupational Health and Safety Act
No. 57 of 1978	Patents Act
No. 24 of 1956	Pension Funds Act
No.68 of 1969	Prescription Act
No. 53 of 1974	Pharmacy Act
No.12of 2004	Prevention and Combating of Corrupt Activities Act
No.121 of 1998	Prevention of Organised Crime Act
No. 02 of 2000	Promotion of Access to Information Act
No. 3 of 2000	Promotion of Administrative Justice Act
No. 04 of 2000	Promotion of Equality and Prevention of Unfair Discrimination
No. 26 of 2000	Protected Disclosures Act
No.33 of 2004	Protection of Constitutional Democracy against Terrorist and Related Activities Act.
No. 04 of 2013	Protection of Personal Information Act
No. 36 of 1994	Public Holidays Act
No. 120 of 1998	Recognition of Customary Marriages Act
No.70 of 2002	Regulation of Interception of Communications and Provision of Communication-related Information Act
No.97 of 1998	Skills Development Act
No. 9 of 1999	Skills Development Levies Act
No.34 of 1997	South African Revenue Services Act
No.10 of 2013	Superior Courts Act
No.28 of 2011	Tax Administration Act
No.38 of 1996	Tax on Retirement Funds Act
No.83 of 1993	Tobacco Products Control Act
No.194 of 1993	Trademarks Act
No.30 of 1996	Unemployment Insurance Act
No.04 of 2002	Unemployment Contributions Act
No. 89 of 1991	Value Added Tax Act

6. FORM OF REQUEST (Section 51 (1) (e))

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the PAIA Act.

Note: If it is reasonably suspected that the requester has obtained access to the records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

In order for Fresenius Kabi South Africa to respond to requests in a timely manner, the Access Request Form (Annex 3) should be completed, taking due cognisance of the following instructions on Completion of Forms:

- The Access Request Form must be completed in the English Language. Additional attachments of certified copy of their identification document or valid passport document or alternatively 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 a printed form in which to answer a question, additional information may be provided on an additional folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.
- All additional folios must be signed by the requestor.

7. PRESCRIBED FEES (Section 51 (1) (f))

The following applies to requests:

- 7.1 The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer as indicated in Section 51(1)(a).
- 7.2 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed; Payment details can be obtained from the contact person/s as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

- 7.3** If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.4** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.5** Records may be withheld until the fees have been paid.
- 7.6** Records relating to personal information of the requestor will not be subject to the prescribed fee.
- 7.7** Requests will be received by the contact person as indicated in Section 51(1)(a) and the requester will be notified within 30 days of receipt of the completed Access Request Form.
- 7.8** These requests will then be evaluated by the applicable entities and persons involved.
- 7.9** A decision will be given to the requester whether access will be granted or denied.
- 7.10** Adequate reasons will be given to the requester for refusal.

Ground for Refusal of Access to Records

The main grounds for refusal of a request for information are:

- 7.11** Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 7.12** Mandatory protection of the commercial information of a third party, if the record contains:
- Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed by a third party to any of the Companies if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 7.13** Mandatory protection of confidential information of third parties if it is protected in terms of any agreement – the provisions of the PAIA to apply in relation to the rights of the relevant third parties;
- 7.14** Mandatory protection of the safety of individuals and the protection of property;

7.15 Mandatory protection of records which could be regarded as privileged in legal proceedings;

7.16 The commercial activities of the Companies, which may include:

- Trade secrets of the Companies; and
- Financial, commercial, scientific or technical information which, if disclosed, would likely cause harm to the financial or commercial interests of the Companies.

8. APPEAL AGAINST REFUSAL TO GRANT ACCESS

8.1 If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, upon notification of the Information Officer's decision (or upon deemed refusal in terms of Section 58 of the PAIA), lodge a complaint to the Information Regulator or apply to court for appropriate relief within the timeframes as prescribed by the PAIA.

9. NOTIFICATION OF EXTENSION PERIOD (IF REQUIRED):

9.1 The requesters may be notified whether an extension period is required for the processing of their requests, including:

The required extension period, which will not exceed an additional 30 day period;

- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

10. PERSONAL INFORMATION

10.1 Purpose of Processing

The purpose for which personal information is processed by the Companies will depend on the nature of the information. In general, personal information is processed by the Companies for business administration purposes, including:

- to carry out actions for the conclusion or performance of a contract;
- to comply with obligations imposed by law;
- to protect the legitimate interests of the data subjects; or
- where it is necessary for pursuing the legitimate interests of the Companies.

10.2 Categories of Data Subjects and Information

Fresenius Kabi process personal information relating to the following categories of data subjects and information:

CATEGORIES OF DATA SUBJECTS

- Personnel / employees;
- Consultants;
- Contractors;
- Customers;
- Patients;
- Service providers;
- Suppliers;
- Other third parties with whom Fresenius Kabi conduct business.

10.3 Categories of Information

- In respect of natural persons may include: name, identifying number (identity or passport number), date of birth, citizenship, age, gender, race, marital status, language, telephone number(s), email address(es), physical and postal addresses, income tax number, banking information, disability information, employment history, background checks, fingerprints, CVs, education history, remuneration and benefit information, details related to employee performance and disciplinary procedures.
- In respect of juristic persons may include: name, registration number, tax information, contact details, physical and postal addresses, FICA documentation, BEE certificates, payment details (including bank accounts), invoices and contractual/supply/technical/ quality agreements.

10.4 Categories of Recipients of the Personal Information

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

- Other affiliates in the Fresenius group of companies;
- Service providers;
- Medical aid, pension or provident funds;
- Auditing and accounting bodies (internal and external);
- Third parties with whom the Companies have contracted for the retention of data;
- Relevant authorities, government departments, statutory bodies or regulators;
- A court, administrative or judicial forum, arbitration or statutory commission making a request in terms of the applicable laws or rules.

10.5 Transborder Flows of Information

Fresenius Kabi foresees that there may be transfers of personal information to third parties or other Affilaites in the Fresenius group of companies, who are situated in a

foreign country and such transfers would be subject to the relevant provisions of the POPI Act.

10.6 Information Security Measures

Fresenius Kabi strives to take appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in their possession or under their control.

10.7 Objection to the processing of personal information by a data subject

A data subject may at any time object to the processing of their personal information (as contemplated in Section 11(3)(a) of the POPI Act) in the prescribed form attached to this manual as Annex 4, subject to exceptions contained in the POPI Act.

10.8 Request for correction or deletion of personal information

A Data Subject may request that their personal information be corrected or deleted in the prescribed form attached as Annex 5.

11.AVAILABILITY OF THE MANUAL

This Manual is available for inspection at the offices of Fresenius Kabi. The Manual is available for download on the Fresenius Kabi website : <http://www.fresenius-kabi.com/za>. A copy is also available at the South African Human Rights Commission.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY-FORM C
(Section 53(1) of the Promotion of Access to Information Act No 2 of 2000)

[Regulation 10]

A. Particulars of Private Body

The Information Officer of **Fresenius Kabi South Africa:**

Mikko Tiitinen

Mikko.Tiitinen@fresenius-kabi.com

Telephone Number: +27 (0) 11 545 0043

Fax Number: +27 (0) 11 545 0060

The Deputy Information Officer of **Fresenius Kabi South Africa:**

Leah Madiba

Leah.Madiba@fresenius-kabi.com

Telephone Number: +27 (0) 11 545 0186

Fax Number: +27 (0) 11 545 0060

B. Particulars of Person requesting access to the Record

(a) *The particulars of the person who Requests access to the Records must be recorded below.*

(b) *Furnish an address and/or fax number in the Republic to which information must be sent.*

(c) *Proof of the capacity in which the Request is made, if applicable, must be attached.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax Number: _____

E-mail address: _____

Capacity in which Request is made, when made on behalf of another person:

C. Particulars of person of whose behalf Request is made:

*This Section must be completed **only** if a Request for information is made on behalf of another person*

Full names and Surname:

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 Requestor must sign all the additional folios.***

1. Description of the Record or relevant part of the Record:

2. Reference number, if available:

3. Any further particulars of the Record:

E. Fees:

(a) *A Request for access to a Record, other than a Record containing personal information about yourself, will be processed only after a **Request fee** has been paid.*

(b) *You will be notified of the amount of the Request fee.*

(c) *The **fee payable for access** to a Record depends on the form in which the 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 therefore.*

Reason for exemption of payment of the fee (if any):

F. Form of Access to the 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 hereunder, state your disability and indicate in which form the Record is required.

Disability	Form in which record is required

Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends 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:

	Copy of Records		Inspection of Records
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2. If the Record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	View Images		Copy of Images		Transcription of Images
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3. If the Record consists of recorded words or information which can be reproduced in sound:

	Listen to the Sound		Transcription of Sound
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4. If the Record is held on computer or in an electronic or machine-readable form:

	Printed copy of the record		Printed copy of information derived from the record		Copy of computer readable form
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If you requested a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	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 Requestor must sign all the additional folios

1. Indicate which right is to be exercised or protected:

2. Explain why the requested Record is required for the exercising or protection of the aforementioned right:

H. Notice of decision regarding Request for access:

You will be notified in writing whether your Request has been approved/denied. If you wish to be informed thereof 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?

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTOR / PERSON ON WHO'S BEHALF REQUEST IS MADE

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION
 (Section 11(3) of the Protection of Personal Information Act No 4 of 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2018
 [Regulation 2]

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:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	Code ()
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)
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**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION
OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION**

(Section 24(1) of the Protection of Personal Information Act No 4 of 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 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.

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:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	

Signed at _____ this _____ day of _____ 20__

Signature of data subject/designated person