BUSINESS MANUAL IN TERMS OF ACT 4 OF 2013 (POPIA) AND ACT 2 OF 2000 (PAIA)

Elite Surgical Supplies (Pty) Ltd
Private Body

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1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (PAIA), as amended by The Protection of Personal Information Act 4 of 2013 (POPIA) gives certain parties the right to approach private and public bodies to request; rectify or delete information held by them, which is required in the exercise and/or protection of their rights.

On request, the private and/or public body is obliged to release such information unless the relevant Acts expressly states that the records containing such information may or must not be released.

The Protection of Personal Information Act was enacted to give effect to the constitutional right to privacy, by safeguarding personal information when processed by Elite Surgical Supplies (Pty) Ltd subject to justifiable limitations.

The aim of this manual is to inform requestors of procedural requirements; to facilitate the requests for access to records of Elite Surgical Supplies (Pty) Ltd as provided for in the relevant Acts; and to inform and prescribe the procedures and measures to be effected to comply with the provisions of POPIA as well as the internal processes of Elite Surgical Supplies (Pty) Ltd with regards to the Acts.

2. DEFINITIONS

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

2.1 an expression which denotes –

2.1.1 any gender includes the other genders;

2.1.2 a natural person includes an artificial or juristic person and vice versa;

2.1.3 the singular includes the plural and vice versa;

2.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

2.2.1 **"This Document"** - this manual together with all of its annexures, as amended from time to time;

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2.2.2 **The Business / Entity"** – Elite Surgical Supplies (Pty) Ltd;

2.2.3 **"Client"** means a natural or juristic person who or which receives services from Elite Surgical Supplies (Pty) Ltd;

2.2.4 **''Consent''** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

2.2.5 **''Data Subject''** means the person to whom personal information relates;

2.2.6 **"Employee"** means any person who works for, or provides services to, or on behalf of Elite Surgical Supplies (Pty) Ltd, and receives or is entitled to receive remuneration;

2.2.7 **"Head"** in relation to a juristic person refers to the chief executive officer or equivalent officer or any duly authorized officer of such juristic person, or the person who is acting as such or any person duly authorized to act;

2.2.8 **''Information Officer''** means the head of the entity as contemplated in section 1 of POPIA and PAIA;

2.2.9 **"Manual"** means this manual, together with all annexures attached thereto and made available at the offices of the entity from time to time;

2.2.10 **"PAIA"** means the Promotion of Access to Information Act No. 2 of 2000 (as amended), together with any regulations published there under;

2.2.11 **"POPIA"** means the Protection of Personal Information Act 4 of 2013, together with any regulations published there under (also referred to as POPI);

2.2.12 **''Person''** means a natural person or a juristic person;

2.2.13 **''Personal Information''** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age,

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physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

(b) information relating to the education or the medical, financial, criminal or employment history of the person;

(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

(d) the biometric information of the person;

(e) the personal opinions, views or preferences of the person;

(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) the views or opinions of another individual about the person;

(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

2.2.14 **"Private Body"** shall refer to a natural person who carries on any trade or business in such capacity, a partnership or any former or existing juristic person other than a public body;

2.2.15 **"Public Body"** refers in broad terms to any state department or functionary as defined in POPIA;

2.2.16 **''Record''** means any recorded information, regardless of the form or medium, including the information specifically defined and prescribed in POPIA;

2.2.17 **''Regulator''** means the Information Regulator established in terms of section 39 of POPIA;

2.2.18 **"Requestor"** means any person or entity requesting access to a record that is under the control of Elite Surgical Supplies (Pty) Ltd;

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2.2.19 **‘‘Restriction’’** means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information;

2.2.20 **"SAHRC"** means the South African Human Rights Commission;

2.2.21 **“Section 10 Guide”** means the guide compiled by the South African Human Right Commission in terms of section 10 of the Act.

2.2.22 **‘‘Special Personal Information’’** means personal information concerning:

(a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or

(b) the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence;

(c) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2.2.23 **‘‘Unique Identifier’’** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

2.3 Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

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3 DETAILS OF BUSINESS:

FULL NAME	Elite Surgical Supplies (Pty) Ltd
REGISTRATION NUMBER	1999/019423/07
PHYSICAL ADDRESS	54 De Havilland Crescent, Persequor
	Pretoria
	0020
POSTAL ADDRESS	PO Box 166, Pretoria, 0020
TELEPHONE NUMBER	0123860012
E-MAIL ADDRESS	prashella@elitesurgical.com; chris@elitesurgical.com
WEBSITE	www.elitesurgical.com/

4 DETAILS OF HEAD OF BODY / INFORMATION OFFICER:

FULL NAME	Chris Coertze
TELEPHONE NUMBER	012 386 0012
E-MAIL ADDRESS	chris@elitesurgical.com

5 HUMAN RIGHTS COMMISSION GUIDE (SECTION 10 GUIDE)

5.1 The Human Rights Commission has compiled a guide, as contemplated in section 10 of PAIA, containing information to assist any person who wishes to exercise any right as contemplated in PAIA. The guide is available on the SAHRC website (www.sahrc.org.za)

5.2 Any queries in this regard should be directed to The South African Human Rights Commission PAIA Unit Research and Documentation at:

Telephone : 011 877 6300
Telefax : 011 484 0582
Email : paia@sahrc.org.za
Website: www.sahrc.org.za

6 RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO THE GENERAL PUBLIC (SECTION 51(1)(c) AS AMENDED)

6.1 The following records are automatically available to all to the general public:

No notice is published in terms of Section 51(1)(b)(ii) of PAIA

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7 RECORDS OF INFORMATION KEPT BY THE ENTITY IN ACCORDENCE WITH ANY OTHER LEGISLATION (IN TERMS OF SECTION 51(1)(d) AS AMENDED)

7.1 **Elite Surgical Supplies (Pty) Ltd** maintains such information and documents as may be required in accordance with, but not limited to the following legislation as set out in **Annexure "A"** hereto.

8 SCHEDULE OF RECORDS HELD BY THE ENTITY

The following attached as **Annexure "B"** is a list of the subjects in terms of Section 51(1)(e) as amended on which the entity holds records and the categories into which the stated subjects fall.

9 REQUEST PROCEDURE IN TERMS OF SECTION 53(1) (AS AMENDED)

9.1 All requests should be made on the prescribed form. A copy of the form is attached marked **Annexure "C"** ("the prescribed form"). The form is also available from the website of the Human Rights Commission, the website of the Department of Justice and Constitutional Development at www.doj.gov.za, or the website of the Information Regulator at www.inforegulator.org.za.

9.2 The prescribed form shall be submitted to the head of the entity and/or Information Officer.

9.3 The same procedure applies if the requestor is requesting information on behalf of another person or on behalf of a permanent employee of the entity.

9.4 The head of the entity / Information Officer, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.

9.5 The requestor will be notified of the decision in the manner indicated by the requestor and in the prescribed form attached hereto as **Annexure "I"**

9.6 If access is granted, Elite Surgical Supplies (Pty) Ltd will advise the requestor in the manner stipulated by the requestor in the prescribed form of:

9.6.1 the access fee to be paid for the information;

9.6.2 the format in which access will be given; and

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9.6.3 the fact that the requestor may lodge a complaint to the Information Regulator or lodge an application to a Court of competent jurisdiction against the access fee charged or the format in which access is to be granted or the form of access granted and the procedure including the period allowed for lodging a complaint at the Information Regulator or the application to Court.

9.7 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

9.8 If the request for access is refused, the requestor will be advised thereof in writing. The notice of refusal shall indicate:

9.8.1 adequate reasons for the refusal;

9.8.2 that the requestor may lodge a complaint to the Information Regulator or lodge an application with a Court of competent jurisdiction against the refusal of the request and the procedure (including the period) for lodging a complaint to the Information Regulator or the application.

9.9 Grounds for refusal shall comply with the provisions of Chapter 4 of PAIA.

9.10 Please note that if the head of the entity (or the Information Officer) fails to respond within thirty days after a request has been received, it may be deemed, in terms of section 58 read together with section 56(1) of PAIA, that the request was refused.

9.11 The Head of Body / Information Officer may however extend the period of thirty days once for a further period of thirty days as prescribed in Section 57 of PAIA, in which case the requestor shall be informed thereof before the expiry of the first 30 day period.

10 INFORMATION OR RECORDS NOT FOUND

10.1 The Entity undertakes to take all reasonable steps to find any record.

10.2 If all reasonable steps have been taken to find a record requested, and there are reasonable grounds for believing that the record is in the entity's possession but cannot be found, or does not exist, then the Head of the Entity and/or the

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Information Officer shall notify the requestor, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

10.3 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of the Information Officer or with every person who conducted the search.

10.4 The notice, as referred to in Clause 10.2, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA.

10.5 If after notice has been given as contemplated in Clause 10.2, the record in question should later be found, the requestor concerned shall be given access to the record in the manner stipulated by the requestor in the prescribed form unless access is refused by the Head of Elite Surgical Supplies (Pty) Ltd or the Information Officer on a ground for refusal as stipulated herein and in terms of PAIA.

11 INFORMATION REQUESTED ABOUT A THIRD PARTY

11.1 Should information be requested in terms of the provisions of PAIA regarding a third party, Elite Surgical Supplies (Pty) Ltd will adhere to the provisions of sections 71 to 74 of PAIA (as amended).

11.2 The entity shall be obliged in certain circumstances to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.

11.3 In considering the application and providing information, the entity shall act in accordance to Chapter 5 of PAIA.

11.4 Should the request be granted, a notice shall be given to the Third Party and shall state:

11.4.1 The reasons for granting the request;

11.4.2 That the Third Party shall have the right to lodge a complaint to the Information Regulator or lodge an application with a Court with competent jurisdiction against the decision of the entity within 30 (thirty) days after the notice is given;

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11.5 The requestor shall be given access to the information after the expiry of the period contemplated in Clause 11.4.2, unless a complaint and/or application is lodged within the period.

12 FEES

The fee structure for requests prescribed under PAIA is available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development at www.doj.gov.za as well as the SAHRC website (www.sahrc.org.za).

13 PROCESSING OF INFORMATION IN TERMS OF POPIA

Conditions for lawful processing of personal information to which the entity shall adhere, shall in general be as follows:

13.1 Accountability:

- The entity shall have an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

13.2 Processing limitation

- Personal Information shall be collected directly from a Data Subject to the extent applicable; and shall only be processed with the consent of the Data Subject and shall only be used for the purposes for which it was obtained.

13.3 Purpose specific

- Personal Information shall only be processed for the specific purpose for which it was obtained and shall not be retained for any longer than it is needed to achieve such purpose.

13.4 Further limitations

- Further processing of Personal Information shall be compatible with the initial purpose for which the information was collected.

13.5 Information quality

- The entity shall ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.

13.6 Openness

- There shall be transparency between the Data Subject and the entity.

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13.7 Security safeguards

- The entity shall take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.

13.8 Data subject participation

- The Data Subject shall be made aware that their information is being processed and must have provided their informed consent to such processing.

14 PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION

14.1 Personal Information shall only be processed for a specific purpose.

14.2 The purposes for which the entity shall process personal information shall be as set out in **Annexure "D".**

15 CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO

15.1 As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person.

15.2 **Annexure "E"** contains and sets out the various categories of Data Subjects that the entity processes Personal Information on and the types of Personal Information relating thereto.

16 RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

16.1 Elite Surgical Supplies (Pty) Ltd shall make available to the following recipients or categories of recipients set out in **Annexure "F"** personal information as prescribed by the relevant Acts.

17 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

17.1 A data subject may lodge an objection to Elite Surgical Supplies (Pty) Ltd against the processing of personal information.

17.2 Such objection must be clearly set out in the prescribed Form 1 (Attached hereto as **Annexure "G"),** which must be delivered to the entity.

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17.3 The entity undertakes that should a valid objection have been lodged, the entity shall no longer process such personal information.

17.4 Elite Surgical Supplies (Pty) Ltd further undertakes that it shall, provided that a data subject has provided adequate proof of identity, confirm whether the entity holds personal information of such data subject and provide access to such information within a reasonable time and at a prescribed fee (if applicable) and in a reasonable manner and format that is generally understandable.

17.5 Should any such information be provided, the data subject shall have the right to request a correction as set out hereunder.

17.6 Should a fee be applicable, the entity shall provide the data subject with a written estimate of the fee before providing the service, and within the discretion of the entity may request a deposit of such estimated fee.

17.7 Should we refuse access to information subsequent to such request, the Data Subject shall have the remedies as set out above in Paragraphs 10 to 12.

17.8 Access to records shall be done as set out in this manual.

18 CORRECTION AND DELETION OF PERSONAL INFORMATION

18.1 A data subject may request Elite Surgical Supplies (Pty) Ltd to correct or delete personal information about or concerning the data subject in its possession or control that is inaccurate; irrelevant; excessive; out of date; incomplete; misleading or which was obtained unlawfully by the entity.

18.2 A Data Subject may further request Elite Surgical Supplies (Pty) Ltd to destroy or delete a record of personal information which the entity may no longer be authorized to retain as set out in Section 14 of POPIA.

18.3 In this instance the entity notes that section 14 determines that:

18.3.1 Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:

18.3.1.1 retention of the record is required or authorised by law;

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18.3.1.2 the responsible party reasonably requires the record for lawful purposes related to its functions or activities;

18.3.1.3 retention of the record is required by a contract between the parties thereto; or

18.3.1.4 the data subject or a competent person where the data subject is a child has consented to the retention of the record (if applicable).

18.4 Elite Surgical Supplies (Pty) Ltd undertakes to retain records of personal information in excess of the above mentioned periods only if it is retained for historical, statistical or research purposes and if the entity has established appropriate safeguards against the records being used for any other purposes.

18.5 The entity undertakes, with due consideration as to the purpose of retaining personal information, that it shall take all practicable steps to ensure that personal information is complete, accurate, not misleading and updated where necessary

18.6 In collecting personal information the entity undertakes to adhere to the strict provisions of POPIA.

18.7 Should a data subject request correction and/or destruction and/or deletion of a record of personal information, the data subject shall use the prescribed Form 2 (attached hereto as **Annexure "H"**)**,** and which shall be delivered to the entity.

19 TRANSBORDER FLOWS OF PERSONAL INFORMATION

19.1 Elite Surgical Supplies (Pty) Ltd notes that in terms of Section 72 of POPIA Personal Information may only be transferred out of the Republic of South Africa:

19.1.1 If the recipient is subject to a law, binding corporate rules or a binding agreement which provides adequate levels of protection which is the same as prescribed in POPIA;

19.1.2 If the Data Subject consents to the transfer of their Personal Information;

19.1.3 The transfer is necessary for the performance of a contract between the data subject and the entity, or for the implementation of pre-contractual measures taken in response to the data subject's request;

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19.1.4 If the transfer is necessary for the performance of a contractual obligation between the entity and a third party, in the interests of the Data Subject;

19.1.5 If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject would likely provide such consent.

19.2 Elite Surgical Supplies (Pty) Ltd may from time to time allow transborder flow of personal information, but shall comply strictly with the guidelines as set out above and prescribed by POPIA". Reference is made to the entity`s Policy in this regard.

20 INFORMATION SECURITY MEASURES TO BE IMPLEMENTED

20.1 Elite Surgical Supplies (Pty) Ltd shall ensure that up to date technology are employed to ensure the confidentiality, integrity, and availability of the Personal Information under its care.

20.2 In order to achieve this, the entity shall take appropriate reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information.

20.3 Elite Surgical Supplies (Pty) Ltd shall take all reasonable steps:

20.3.1 To identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

20.3.2 Establish and maintain appropriate safeguards against the risks identified;

20.3.3 Regularly verify that the safeguards are effectively implemented;

20.3.4 Insure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

20.4 Measures shall include:

20.4.1 Firewalls;

20.4.2 Virus protection software and update protocols;

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20.4.3 Logical and physical access control;

20.4.4 Secure setup of hardware and software making up the IT infrastructure (Reference is made to the relevant Policy adopted by the entity)

20.5 The entity shall ensure that it implements suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment or filing systems.

20.6 The entity shall ensure that persons having access to data:

20.6.1 Shall have prior authorization / permission granted by the entity;

20.6.2 Shall be subjected to the provisions of this manual and informed as to the contents of the manual;

20.6.3 Shall be subjected to the provisions of the Acts and shall be informed as to the provisions of the relevant Acts;

20.6.4 Shall undertake to be subjected to confidentiality by signing an agreement to the effect (Reference is made to the relevant Policy adopted by the entity);

20.7 The entity shall ensure that hard copies of data:

20.7.1 Are kept in a secure location;

20.7.2 Not be accessible to unauthorized persons

20.8 The entity shall implement suitable measures to prevent personal information from being read; copied; altered; or deleted by unauthorised persons during the transmission thereof or during any transport of data.

20.9 The entity shall ensure the deletion and destruction of data shall be:

20.9.1 Done under the supervision of the entity;

20.9.2 Shall be destroyed and/or deleted in such a manner that any reconstruction in an intelligible form thereof afterwards will not be possible;

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20.9.3 Be disposed of in a secure manner (Reference is made to the relevant Policy adopted by the entity).

21 SPECIAL INFORMATION

21.1 The entity undertakes to only process special personal information if:

21.1.1 processing is carried out with the consent of a data subject;

21.1.2 processing is necessary for the establishment, exercise or defense of a right or obligation in law;

21.1.3 processing is necessary to comply with an obligation of international public law;

21.1.4 if applicable, processing is for historical, statistical or research purposes to the extent that:

21.1.4.1 the purpose serves a public interest and the processing is necessary for the purpose concerned; or

21.1.4.2 it appears to be impossible or would involve a disproportionate effort to ask for consent,

21.1.4.3 the entity have ensured that sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent;

21.1.5 information has deliberately been made public by the data subject; or

21.1.6 the following provisions of POPIA, referring to:

21.1.6.1 sections 28 (referring to personal information relating to religious and philosophical beliefs);

21.1.6.2 section 29 (referring to the data subject`s race or ethnic origin);

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21.1.6.3 section 30 (referring to information regarding the data subject`s union membership);

21.1.6.4 section 31 (referring to the data subject`s political persuasion);

21.1.6.5 section 32 (referring to the data subject`s health or sex life) and;

21.1.6.6 section 33 (referring to the data subject`s criminal behavior or biometric information);

are, as the case may be, complied with.

21.1.7 Should the entity in future undertake the specific processing of special information, the entity shall develop and adopt a suitable framework and policy to regulate such processing.

22 PROCESSING INFORMATION OF CHILDREN

22.1 Elite Surgical Supplies (Pty) Ltd does not normally process information of Children.

22.2 Should the entity, depending on any current and future undertakings, and subject to any industry prescriptions; acts and regulations; be involved in the processing of personal information relating to children, it undertakes that it shall at all times adhere strictly to the provisions of POPIA in this regard, and more specifically undertakes that the processing shall be:

22.2.1 carried out with the consent of a competent person;

22.2.2 necessary for the establishment, exercise or defense of a right or obligation in law;

22.2.3 is necessary to comply with an obligation of international public law;

22.2.4 should it be for the purpose of historical, statistical or research purposes to the extent that—

22.2.4.1 the purpose serves a public interest and the processing is necessary for the purpose concerned; or

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22.2.4.2 it appears to be impossible or would involve a disproportionate effort to ask for consent,

22.2.4.3 the entity shall ensure that sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent;

22.2.5 information has deliberately been made public by the data subject.

22.3 Elite Surgical Supplies (Pty) Ltd further undertakes to adhere to any conditions imposed by the Regulator from time to time.

22.4 Should the entity in future undertake the specific processing of information of children, the entity shall develop and adopt (if not already done) a suitable framework and policy to regulate such processing.

23 PRIOR AUTHORISATION BY THE REGULATOR (Applicable only in relation to Section 57 and 58 of POPIA)

23.1 Elite Surgical Supplies (Pty) Ltd does not process information as stipulated in the sections referred to in the header.

23.2 In the event that the entity does involve itself with the processing of such information in future, it undertakes that it shall obtain prior authorization from the Regulator in terms of the provisions of Section 57 of POPIA to:

23.2.1 process any unique identifiers of data subjects for a purpose other than the one for which the identifier was specifically intended at collection, and with the aim of linking the information together with information processes by other responsible parties on criminal behaviour or on unlawful or objectionable conduct;

23.2.2 process information on criminal behaviour or on unlawful or objectionable conduct on behalf of third parties;

23.2.3 process information for the purposes of credit reporting; or

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23.2.4 transfer special personal information, as referred to in section 26, or the personal information of children as referred to in section 34, to a third party in a foreign country that does not provide an adequate level of protection for the processing of personal information as referred to in section 72 of POPIA.

24 AVAILABILITY OF MANUAL

24.1 This Manual is available for inspection by the general public upon request, during office hours and free of charge at Elite Surgical Supplies (Pty) Ltd`s offices.

24.2 Copies of the Manual may be made subject to the prescribed fees.

24.3 The Manual is also posted on our website referred to above.

24.4 This manual may be updated from time to time.

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ANNEXURE "A"

RECORDS OF INFORMATION KEPT BY ELITE SURGICAL SUPPLIES (PTY) LTD IN ACCORDANCE WITH ANY OTHER LEGISLATION (IN TERMS OF SECTION 51(1)(d) AS AMENDED)

- Basic Conditions of Employment Act, No. 75 of 1997;
- Broad-Based Black Economic Empowerment Act, No. 53 of 2003;
- Close Corporations Act, No. 69 of 1984;
- Companies Act, No. 61 of 1973 (repealed, save for chapter 14);
- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Competition Act, No. 89 of 1998;
- Consumer Protection Act, No. 68 of 2008;
- Copyright Act, No. 98 of 1978;
- Currency and Exchanges Act, No. 9 of 1933;
- Credit Agreements Act, No. 75 of 1980 (repealed);
- Debt Collectors Act, No. 114 of 1998;
- Employment Equity Act, No. 55 of 1998;
- Electronic Communications and Transactions Act, No. 25 of 2002;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Income Tax Act, No. 58 of 1962 (Section 75) (repealed);
- Intellectual Property Amendment Act, No. 28 of 2013;
- Insolvency Act 24 of 1936;
- Labour Relations Act, No. 66 of 1995;
- Medical Schemes Act, No. 131 of 1998;
- National Credit Act, No. 34 of 2005;
- Occupational Health and Safety Act, No. 85 of 1993;
- Pension Funds Act, No. 24 of 1956;
- Protection of Personal Information Act, No.4 of 2013;
- Regulation of Interception of Communications and Provision of Communication Related Information Act, No. 70 of 2002;
- Skills Development Act, No. 97 of 1998;
- Skills Development Levies Act, No. 9 of 1999;

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- Tax on Retirement Funds Act; No. 38 of 1996;
- The Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Trade Marks Act, No. 194 of 1993;
- Trust Property Control Act, No. 57 of 1988;
- Unemployment Insurance Act, No. 63 of 2001;
- Unemployment Insurance Contributions Act, No. 4 of 2002;
- Value Added Tax Act, No. 89 of 1991
- Any Regulations enacted in terms of the Acts.

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ANNEXURE "B"

SCHEDULE OF RECORDS HELD BY ELITE SURGICAL SUPPLIES (PTY) LTD

CLIENTS	Client documentation in terms of Financial Intelligence Centre Act No. 38 of 2001, Correspondence, Files and data relating to client matters, Client specific intellectual property; Client information as required by industry related Regulators / Authorities
HUMAN RECOURCES	Employment Contracts, List of Employees, Personal Details, Payroll records, Employee tax information, Internal policies and procedures, Disciplinary records, Employment equity plans, Pension and provident fund records, Training schedules and manuals, Codes of conduct
FINANCE	Financial Records, Tax Records, Insurance records, Banking records for business and trust accounts, Auditors' reports, Creditors and Debtors records
INFORMATION TECHNOLOGY	Records relating to computer software used; including software, license, support and maintenance agreements.
ACCESS CONTROL	Records relating to Access control, CCTV footage

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ANNEXURE "C"

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

A. *Proof of identity must be attached by the requester.*

B. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

_____
_____
_____
_____

(Address)

E-mail address: _____

Fax number: _____

*Mark with an **"X"***

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made *(when made on behalf of another person)*				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B): Cellular:		Facsimile:	
Full names of person on whose behalf request is made *(if applicable):*				
Identity Number				
Postal Address				

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Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (*If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD
*(Mark the applicable box with an "**X**")*

Record is in written or printed form
Record comprises virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*
Record consists of recorded words or information which can be reproduced in sound
Record is held on a computer or in an electronic, or machine-readable form

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FORM OF ACCESS *(Mark the applicable box with an "**X**")*	
Printed copy of record *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	
Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
Transcription of soundtrack *(written or printed document)*	
Copy of record on flash drive *(including virtual images and soundtracks)*	
Copy of record on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

MANNER OF ACCESS *(Mark the applicable box with an "**X**")*	
Personal inspection of record at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)*	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language *(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)*	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*	
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:	

FEES	
(a) *A request fee must be paid before the request will be considered.* (b) *You will be notified of the amount of the access fee to be paid.* (c) *The fee payable for access to a record depends on the form in which 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 for exemption*	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	**Facsimile**	**Electronic communication** ***(Please specify)***

Signed at_____this_____day of_____20 _____

_____

Signature of Requester / person on whose behalf request is made

---

FOR OFFICIAL USE

Reference number:	
Request received by: *(State Rank, Name And Surname of Information Officer)*	
Date received:	
Access fees:	
Deposit (if any):	

_____

Signature of Information Officer

ANNEXURE "D"

PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION

1. Elite Surgical Supplies (Pty) Ltd will collect Personal Information from our clients with the sole purpose of administering, managing, and developing and performing our businesses and services in terms of any mandate provided and in pursuing our contractual obligations towards our clients.

2. Elite Surgical Supplies (Pty) Ltd will collect Personal Information from suppliers with the sole purpose of administering, managing, and developing our businesses, services, and more specifically our procurement process.

3. Elite Surgical Supplies (Pty) Ltd will collect Personal Information from visitors to minimize and manage the risk of loss and damage associated with criminal activity in respect of both the facility and visitors to the facility.

4. Elite Surgical Supplies (Pty) Ltd will collect Personal Information from our employees with the sole purpose of administering, managing, and developing our Human Resources, Businesses and Services and in pursuance of our contractual and legal obligations towards our employees.

5. Elite Surgical Supplies (Pty) Ltd will collect Personal Information from Recruits with the sole purpose of administering, managing, and developing our Human Resources Framework.

ANNEXURE "E"

CATEGORIES OF DATA SUBJECTS AND

TYPES OF PERSONAL INFORMATION PROCESSED BY ELITE SURGICAL SUPPLIES (PTY) LTD

DATA SUBJECT	TYPES OF PERSONAL INFORMATION
Clients	*Name, Identity Number, Passport Number, Date of Birth, Registration Number, Language Contact Details, Addresses, Tax And Vat Reference Numbers, Transaction History With Clients, Service Level Agreements, History Of Telephonic Conversations, Formal Communications, Bank Account Numbers.*
Employees (Including Recruits)	*Full Names, Identity Number, Passport Number, Date Of Birth, Age, Gender, Language, E-Mail Address, Telefax No, Telephone Number, Postal Address, Physical Address, Tax Reference Number, Marital Status, Nationality, Location Information, Pregnancy (except for Recruits), Next Of Kin, Highest Education, Qualifications, Transactional Information Between The Parties, General Wellbeing, Time And Attendance, Employment History, Record Of Disciplinary Steps, Payslips, Employment Agreements, History Of Telephonic Conversations, Formal Communications and Bank Account Details.* ***Special Personal Information:*** *Race, Ethnic, Origin, Trade Union Membership, Biometric Information, Criminal Behavior and Criminal History*
Service providers	*Name, Identity Number, Registration Number, Gender, Contact Details, Addresses, Tax And Vat Reference Numbers, Transaction History With Suppliers, Service Level Agreements, History Of Telephonic Conversations, Formal Communication, Bank Account Numbers, Training And Educational History,* ***Special Personal Information:*** *Race And Ethnic Origin.*

ANNEXURE "F"

RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE

PERSONAL INFORMATION MAY BE SUPPLIED BY ELITE SURGICAL SUPPLIES (PTY) LTD

We may disclose personal information under the following circumstances:

- To professional advisors, for example, law firms, as necessary to establish, exercise, or defend our legal rights and obtain advice in connection with the running of our business. Personal Information may be shared with these advisors as necessary in connection with the services they have been engaged to provide;

- When explicitly requested to do so by the Data Subject (Clients/suppliers/employees etc.)

- To law enforcement, regulatory, and other government agencies and professional bodies, as required by and/or in accordance with applicable laws or regulations. We may also review and use your personal information to determine whether the disclosure is required or permitted. The South African Police Services; South African Revenue Services and any Regulatory Authority / Association are examples of the above.

ANNEXURE "G"

FORM 1

Elite Surgical Supplies (Pty) Ltd

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (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(s)	
E-Mail address:	
B	**DETAILS OF RESPONSIBLE PARTY**
Name(s) and surname / Registered name or responsible party:	
Residential, postal or business address:	
	Code ( )
Contact number(s)	
Fax Number(s)	
E-Mail address	
C	**REASONS FOR OBJECTIONS IN TERMS OF SECTION 11(1)(d) to (f)** Pleas provide detailed reasons for the objection

.....

Signature of data subject/designated person

ANNEXURE "H"

(Form 2)

Elite Surgical Supplies (Pty) Ltd

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

a. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*

b. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

c. *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 THE 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(s)	
E-Mail address	
B	**DETAILS OF RESPONSIBLE PARTY**
Name(s) and surname / registered name of responsible party	
Unique identifier / Identity Number	
Residential, Postal or business address	
	Code ( )
Contact Number(s)	
Fax Number(s)	
E-Mail address	
C	**INFORMATION TO BE CORRECTED / DELETED / DESTRUCTED / DESTROYED**
D	**REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or** **REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.** (Please provide detailed reasons for the request)

.....

Signature of data subject/ designated person

ANNEXURE "I"

FORM 3

OUTCOME OF REQUEST AND OF FEES PAYABLE

[REGULATION 8]

Note:

1. *If your request is granted the—*
   a) amount of the deposit, (if any), is payable before your request is processed; and
   b) requested record/portion of the record will only be released once proof of full payment is received.
2. *Please use the reference number hereunder in all future correspondence.*

Reference Number:_____

TO: _____

_____

_____

_____

Your request dated_____, refers.

(e) **You requested:**

Personal inspection of information at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)* is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	

OR

(f) **You requested:**

Printed copies of the information *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	
Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
Transcription of soundtrack *(written or printed document)*	
Copy of information on flash drive *(including virtual images and soundtracks)*	
Copy of information on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

(g) **To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language: *(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)*	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

(h) **Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: (a) Flash drive • To be provided by requestor (b) Compact disc • If provided by requestor • If provided to the requestor	 R40.00 R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive (a) To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	 R40.00 R40.00 R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

(i) **Deposit payable (if search exceeds six hours):**

☐ Yes ☐ No

Hours of search		Amount of deposit *(calculated on one third of total amount per request)*	

The amount must be paid into the following Bank account:
Name of Bank: _____
Name of account holder: _____
Account number: _____
Branch Code: _____
Reference Nr: _____
Submit proof of payment to: _____

Signed at_____this_____day of_____20 _____

_____
Information officer