

Quality for life

PAIA AND POPIA MANUAL

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

This manual applies to Otto Bock South Africa (Pty) Ltd

Registration number: 2011/004098/07

(The Company)

Registered office address:

Midrand Business Park

Unit B/2

563 Old Pretoria Main Road

Midrand, Johannesburg, Gauteng, South Africa

Information Officer Email Address:

informationofficer.obsa@ottobock.com

1. AMENDMENT RECORD:

Amendments to, or a review of this Manual, will take place whenever there are significant changes or at least annually. Customers are advised to access the Company's website periodically to keep abreast of any changes. Where material changes take place, Customers will be notified directly or changes will be stipulated on the Company website.

This manual is reviewed to ensure its continuing relevance to the systems and process that it describes.

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2. INTRODUCTION

The promotion of Access to Information Act, 2000 (the “Act”) gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

3. NATURE OF BUSINESS:

Otto Bock South Africa (Pty) Ltd is an importer and supplier of Medical Devices and related Services and Equipment within the medical field of external Prosthetics, Orthotics, Wheelchairs and Exoskeletons.

4. COMPANY CONTACT DETAILS:

Name of body	Otto Bock South Africa (Pty) Ltd
Head of Body	Marc Andersch
Information Officer	Bernadette Haus-van Jaarsveld
Physical Address	Unit B/2, Midrand Business Office Park 563 Old Pretoria Main Road, Midrand Johannesburg, Gauteng, South Africa
Postal Address	Postnet Suite 135 Private Bag X11 Halfway House 1685
Telephone Number	(+27) 010 500 5600
Facsimile Number	(+27) 086 585 5489 / (+27) 010 500 0246
Email Address	informationofficer.obsa@ottobock.com

5. GUIDE OF THE SOUTH AFRICA HUMAN RIGHTS COMMISSION:

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

6. ACCESS TO RECORDS HELD BY THE COMPANY:

Customers have the right to: access the personal information the Company holds about them, ask the Company to update, correct or delete their personal information on reasonable grounds, and once a customer objects to the processing of their personal information the Company may no longer process said personal information. The Company will take all reasonable steps to confirm its customer's identity before providing details of personal information or making changes to personal information.

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters:

6.1. Personal Requester:

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Company.

6.2. Other Requester:

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the Company.

6.3. Request Procedure:

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix A and submit it as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address stated herein.

The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal address, fax number and/or Email address of the requester.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

The Company will process a request within 30 days, unless the requestor has stated special reasons, which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

6.4. Decision:

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30 day period within which the Company has to decide whether to grant or refuse a request may be extended for a further period of not more than 30 days if: the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30 day period. The Information officer will notify the requester in writing should an extension be necessary.

6.5. Records that cannot be found:

If the Company searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.

7. FEES:

The Act provides for two types of fees: A request fee, (which will be a standard fee) and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the Information Officer of the Company, the Information Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record is necessary 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.

The Information Officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction, 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. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer shall repay the deposit to the requester.

Refer to Appendix A, fees section in this manual.

8. CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51(1)(E):

Companies Act Records
Memorandum and Articles of Association
Minutes of Board of Directors meetings
Records relating to the appointment of directors, auditors, secretaries, public officers and other officers
Company Share Register and other statutory registers
Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;
Documents of incorporation/CK documents
Memorandum of Incorporation and alterations and amendments;
Terms, Conditions and Policies
Financial and Tax Records
Tax Returns
Accounting Records

Banking Records
Bank Statements
Paid Cheques
Electronic banking records
Annual Financial Statements
Asset Register
Rental Agreements
Invoices
Customer Details: Vat Numbers, delivery addresses, email addresses, client company details
Contracts
Credit applications
Income Tax records
PAYE Records
VAT records
Documents issued to employees for income tax purposes
Records of payments made to SARS on behalf of employees
Services Levies
Skills Development Levies
UIF
COID
Personnel Documents and Records
Employment contracts
Disciplinary records
Employment Equity Plan
Salary records
SETA records
Disciplinary code
Employee Identity Numbers
Leave records
Training records
Training Manuals

CV'S
Medical records
Employee names
Employee addresses
Company Documents and Records
Copies of compliance certification
Building lay-out and floor plans
Emergency Planning and Operational data
Copies of Insurance and Public Liability Insurances
Client company/trading details: vat numbers, company registration details etc.
Client and 3rd party professional qualifications and professional body registration details
Customer contracts and customer details
Supplier contracts and supplier contact details

9. PROCESSING OF PERSONAL INFORMATION:

According to section 10 of POPIA, personal information may only be processed if certain conditions, listed below, are met along with supporting information for the Company processing Personal Information:

- The customer consent to the processing;
- The necessity of processing;
- Processing complies with an obligation imposed by law on the Company; and
- Processing protects a legitimate interest of the customer.

9.1. Purpose of Processing:

The Company uses the Personal Information under its care in the following ways and for the purpose of:

- Fulfilment of orders and contracts;
- Providing products/services to customers and to carry out the transactions requested;
- Work applications;
- Supply and delivery medical devices;
- Sharing with other third parties, if necessary for custom product manufacturing and warranty management;
- Confirming, verifying and updating customer details;
- Detection and prevention of fraud, crime, money laundering or other malpractices;
- Audit and record keeping purposes;
- In connection with legal proceedings;

- Providing the Company services to customers, render the services requested, and to maintain and constantly improve the relationship;
- Providing communication in respect of the Company and regulatory matters that may affect customers; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law

9.2. Categories of Data Subjects and Personal Information:

The Company may possess records relating to suppliers, shareholders, contractors, service providers, employees and customers:

Entity Type	Personal Information Processed
Customer: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
Customer: Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Customer: Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number; Tax related information; nationality; gender; confidential correspondence
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address; contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender; Pregnancy; Marital Status; Race, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details, Criminal behaviour; Medical records;

9.3. Categories of recipients for processing the Personal information:

The Company may supply the Personal Information to service providers who render the following services:

- Capturing, organizing and storing of data;
- Sending of emails and other correspondence to customers;
- Conducting due diligence checks;
- Delivery of products;
- Manufacturing of custom products;
- Service and maintenance of equipment;
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law;
- In connection with legal proceedings;
- Marketing of Products and Services, with the consent of Data Subjects.

9.4. Actual or Planned Trans-border Flows of Personal Information:

The Company has the following planned Trans-Border flow for personal information:

- Employee Personal Information for the purpose of Human Resource management.
- Medical Device User personal information for the purpose of custom product manufacturing.
- Medical Device User personal information for the purpose of warranty management.

10. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED:

10.1. Internal Remedies:

The Company does not have internal appeal procedures. As such, the decision made by the Information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

10.2. External Remedies:

A requestor that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 days of notification of the decision apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

11. LIST OF APPLICABLE LEGISLATION:

Records of the Company's and other legal entities in which, the Company has a direct controlling interest or an indirect controlling interest through its subsidiaries, may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its subsidiaries from time to time:

Applicable Legislation

- Basic Conditions of Employment Act 75 of 1997;
- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008;
- Companies Amendment Act 3 of 2011;
- Companies Regulations 2011;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Copyright Act 98 of 1978;
- Currencies and Exchanges Act 9 of 1993;
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Services Board Act 97 of 1990;
- Income Tax Act 58 of 1962;
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- Occupational Health and Safety Act 85 of 1993;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- Prevention of Organised Crime Act 121 of 1998;
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000;
- Protected Disclosures Act 26 of 2000;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004;
- Protection Of Personal Information Act 4 of 2013;
- Skills Development Act 97 of 1998;
- Skills Development Levy Act 9 of 1999
- Securities Transfer Tax Act 25 of 2007;
- Securities Transfer Tax Administration Act 26 of 2007;
- Tax Administration Act 28 of 2011;
- Trade Marks Act 194 of 1993;
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1966;
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

12. AVAILABILITY OF THE MANUAL:

The manual is available for inspection, on reasonable prior notice, at the office of the Company free of charge. Copies of this manual of the Company are also available from the SAHRC.

13. APPENDIX A: PRESCRIBED FORM C TO BE COMPLETED BY REQUESTER:

REPUBLIC OF SOUTH AFRICA FORM C

Request for Access to Record of Private Body

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

Registered company name:
 Dead of company name and surname:
 Postal address:
 Physical address:
 Contact number:
 Email address:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
 (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:													
Identity number:													
Postal address:													
Telephone number:	()												
E-mail address:													

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

--	--	--	--	--	--	--	--	--	--	--	--	--	--

C. Particulars of person on 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 requester must sign all the additional folios.**

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

2. Reference number, if available:

3. Any further particulars of 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 required to be paid as the request fee.
- (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 for exemption from payment of fees:

F. Form of access to 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 below, 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.			
<p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images		copy of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information derived from the record*
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage 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 requester must sign all the additional folios.

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

--

2. Explain why the record requested is required for the exercise 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 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 year.....

SIGNATURE OF REQUESTER: _____

PERSON ON WHOSE BEHALF REQUEST IS MADE: _____

FEES		
Section 51(1)(e) Prescribed Fees		
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY Section 54(7) of the Promotion of Access to Information Act No 2 of 2000. Regulation 11(3)		
1. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)		
a	For every photocopy of an A4-size page or part thereof	R 1.25
b	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	R 0.85
c	For a copy in a computer-readable form on	

	(i) stiffy disc (ii) compact disc	R 8.55 R79.80
d	(i) For a transcription of an all record, for an A4-size page or part thereof (ii) or a copy of an audio record	R45.60 R68.40
e	(i) For a transcription of a record, for an A4-size page or part thereof (ii) For a copy of an audio record	R22.80 R34.20
f	To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation	

Section 54(2) of the Promotion of Access to Information Act No 2 of 2000.

Regulation 11(3)

2. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

Section 54(7) of the Promotion of Access to Information Act No 2 of 2000.

Regulation 11(3)

3. PLEASE NOTE THAT ALL PRICES LISTED ABOVE ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

The actual postage fee is payable when a copy of a record must be posted to a requester