A GUIDE TO ACCESSING OUR INFORMATION

Our Manual in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000
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1. DEFINITIONS AND INTERPRETATION

**Company** means Medtronic (Africa) Proprietary Limited (registration number 1973/3010808/07);

**Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA and in clause 14 of this Manual;

**Customer** means any natural or juristic person that received or receives services or products from the Company;

**Data Subject** has the meaning ascribed thereto in section 1 of POPIA and includes both natural persons and juristic persons;

**Employee** means any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company, which includes, without limitation, directors, permanent, temporary and part-time staff;

**Information Officer** means the duly authorised Head (as defined in section 1 of PAIA) of the Company or such person that has been registered as the information officer with the Information Regulator in accordance with POPIA, being Othelia Langner;

**Manual** means this manual prepared in accordance with section 51 of PAIA;

**PAIA** means the Promotion of Access to Information Act 2 of 2000, as amended or replaced from time to time;

**Personal Information** has the meaning ascribed thereto in section 1 of POPIA;

**POPIA** means the Protection of Personal Information Act 4 of 2013, as amended or replaced from time to time;

**POPIA Regulations** means the regulations promulgated in terms of section 112(2) of POPIA;

**Private Body** has the meaning ascribed thereto in section 1 of PAIA and section 1 of POPIA;

**Processing** has the meaning ascribed thereto in section 1 of POPIA;

**Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;

**Requester** has the meaning ascribed thereto in section 1 of PAIA;

**Request for Access** has the meaning ascribed thereto in section 1 of PAIA;

**Responsible Party** has the meaning ascribed thereto in section 1 of POPIA;

**SAHRC** means the South African Human Rights Commission; and

**Special Personal Information** means Personal Information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour.
Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

2. PREAMBLE

2.1 PAIA came into operation on 23 November 2001 and POPIA came into effect on 1 July 2020, subject to a 12-month grace period. The Company is a Private Body as defined in PAIA. Section 51 of PAIA requires that the Company as a Private Body compiles a manual giving information to the public regarding the procedure to be followed in requesting information from the Company for the purpose of exercising or protecting rights.

2.2 The Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA and POPIA. Requesters are advised to familiarise themselves with the provisions of PAIA and POPIA before making any request to the Company in terms of PAIA and POPIA.

2.3 Nothing stated in this Manual shall limit, or constitute a waiver of, any of the rights of the Requester or the Company in terms of PAIA and POPIA.

2.4 The Company makes no representation and gives no undertaking or warranty that the information in this Manual or any other information provided by us to a Requester therefore is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and we shall not be liable for any loss, expense, liability or claims, of whatsoever nature or howsoever arising, resulting from any use of this Manual or any other information provided in this Manual or from any error therein.

2.5 All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this Manual or any information provided by the Company.

3. INTRODUCTION TO OUR COMPANY

3.1 Nature of Business and General Information

(a) Medtronic is a global leader in medical technology, services and solutions. The Company is a company incorporated in the Republic of South Africa, with registration number 1973/010808/07, which forms part of the global Medtronic group of companies. The Company supports the healthcare needs of the public and private sector in South Africa and Sub-Saharan Africa and is involved in the promotion, distribution, manufacture and sale of medical devices, services and solutions and anything allied thereto.

(b) The Company has compiled this Manual, not only to comply with the provisions of PAIA and POPIA, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. Where information requested is not immediately available we will endeavour to make it available in a timely manner insofar as that is reasonably practicable in the circumstances.

(c) Inside this Manual you will be able to view the categories of information which we process. You will also be shown the correct procedure to follow should you require access to any of this information.
4. **OUR DETAILS**

Full name: MEDTRONIC AFRICA (PTY) LTD

Registration number: 1973/10808/07

Registered address: 54 Maxwell Drive, Woodmead North Office Park, Jukskei View, Sandton, Gauteng 2195

Business address: 54 Maxwell Drive, Woodmead North Office Park, Jukskei View, Sandton, Gauteng 2195

Postal address: PO Box 76298, Wendywood 2144, South Africa

Telephone number: (011) 260 9300

Fax number: (011) 260 9447/8

Managing Director: Mr Peter Mehlape

Designated Information Officer: Othelia Langner
PO Box 76298, Wendywood 2144, South Africa
Tel: (011) 260 9300
Fax: (011) 260 9447/8

Email address of Information Office: rs.supplierenablement@medtronic.com.

5. **THE OFFICIAL GUIDE**

Section 10 of PAIA requires the South African Human Rights Commission (SAHRC) to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. The Information Regulator has since assumed the duties to monitor enforcement and compliance with POPIA and PAIA and must update the guide published by the SAHRC at intervals of not more than two years.

5.1 The Guide that has been published includes but is not limited to the following information:

(a) the object of PAIA;

(b) particulars of the information;

(c) the manner and form of a Request for Access to information held by a Private Body;

(d) assistance available from both the Information Officer and the Information Regulator in terms of PAIA and POPIA;

(e) all remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal, a complaint to the Information Regulator and a court application;
schedules of fees to be paid in relation to requests for access to information; and regulations made in terms of PAIA.

5.2 A copy of this Guide is available for inspection at the offices of the Information Regulator. Contact details are as follows:

Post: The Information Regulator
PAIA Unit
JD House,
27 Stiemens Street,
Braamfontein,
Johannesburg, 2001

Website: https://justice.gov.za/inforeg/

E-mail: inforeg@justice.gov.za

6. INFORMATION AVAILABLE IN TERMS OF PAIA

6.1 Categories of information

We hold the following categories of information which will be available for inspection in terms of PAIA. The procedure in terms of which such Records may be requested from the Company is set out in Section 10 of this Manual. The Records listed below will not in all instances be provided to a Requester who requests them in terms of PAIA as the Requester is required to identify the right the Requester is seeking to exercise or protect and provide an explanation of why the requested Record is required for the exercise or protection of that right. Furthermore, the request may be denied on the basis of the grounds of refusal under PAIA.

Categories of Records and description of Records held:

(a) Statutory information/Records

(i) Records of Minutes, as well as Resolutions passed (where applicable);

(ii) Memorandum & Articles of Association, copies of all CK and/or CM forms lodged with the CIPC;

(iii) Directors’ attendance register;

(iv) Combined computerised register.

(b) Financial Records (where applicable)

(i) Tax Records;

(ii) Debtors’ Records;

(iii) Creditors’ Records;

(iv) Insurance Records;

(v) Auditors’ Reports;
(vi) Interim and annual financial statements;

(vii) Bank statements and other banking Records;

(viii) Invoices issued in respect of debtors and billing information;

(ix) Records regarding the Company’s financial commitments.

(c) Accounting Records

(i) Books of account including journals and ledgers;

(ii) Delivery notes, orders, invoices, statements, receipts and vouchers.

(d) Taxation Records

(i) Employee tax information;

(ii) Company tax information.

(e) Statutory Employee Records including internal policies and procedures

(i) Personnel Records of employees;

(ii) Conditions of employment;

(iii) Employment contracts;

(iv) Employment policies and procedures;

(v) Remuneration paid to each employee;

(vi) Salary and wage register and other payroll Records;

(vii) Registrations with Department of Labour, Unemployment Insurance Fund, Compensation Fund and in terms of the Skills Development Levies Act;

(viii) Records of Unemployment Insurance Fund contributions;

(ix) Records regarding group life assurance and disability income protection;

(x) Provident fund Records;

(xi) Health and safety Records;

(xii) Workplace skills plans;

(xiii) Codes of conduct;

(xiv) Grievance procedure;

(xv) Training schedules and material;

(xvi) Correspondence relating to employees;
(xvii) Remuneration policy, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, salaries, overtime, bonuses, medical aid, health and safety, use of Company resources including telephones, motor vehicles and computers;

(xviii) Internal evaluation and disciplinary Records;

(xix) Application forms (loans, leave, etc); and

(xx) Other internal Records.

(f) Movable Property (where applicable)

(i) Asset register.

(g) Agreements and contracts

(i) All agreements of a material nature.

(h) Fixed asset register (where applicable)

(i) Administration, secretarial and legal Records (where applicable)

(i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;

(ii) Settlement agreements;

(iii) Shareholder Records;

(iv) Share register;

(v) Minutes of meetings of directors;

(vi) Records relating to the incorporation of the Company;

(vii) Minutes of meetings of committees and sub-committees;

(viii) Powers of Attorney;

(ix) Records of litigation / arbitration proceedings;

(x) Title deeds;

(xi) Mortgage bonds;

(xii) Trade mark, copyright, patent, service mark certificates and registrations;

(xiii) Material licences, permits and authorisations.

(j) Insurance

(i) Insurance policies;

(ii) Claim Records;
(iii) Details of insurance coverage, limits and insurers.

(k) Information Technology
   (i) Hardware;
   (ii) Operating systems and other operational Records;
   (iii) Telephone and other lines;
   (iv) Software packages;
   (v) Agreements;
   (vi) Support and maintenance agreements;
   (vii) User manuals and licences.

(l) Sales, advertising, promotional and marketing materials

(m) Databases

(n) Product Records

(o) Research and development and clinical trial Records

(p) Records pertaining to health and safety and the environment.

7. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION IN TERMS OF SECTION 51(1)(D) OF PAIA

7.1 Information is available in terms of the following legislation, persons or entities specified in such legislation:

(a) Basic Conditions of Employment Act, Nr. 75 of 1997;
(b) Close Corporations Act Nr. 69 of 1984;
(c) Companies Act, Nr. 71 of 2008;
(d) Compensation for Occupational Injuries and Diseases Act Nr. 130 of 1993;
(e) Competition Act, Nr. 89 of 1998;
(f) Consumer Protection Act, Nr. 68 of 2008;
(g) Electronic Communications and Transactions Act No. 25 of 2002
(h) Employment Equity Act Nr. 55 of 1998;
(i) Financial Intelligence Centre Act No. 38 of 2001;
(j) Income Tax Act, Nr. 58 of 1962;
(k) Insolvency Act, Nr. 24 of 1936;
(l) Insurance Act Nr. 63 of 2001;
(m) Labour Relations Act, Nr. 66 of 1995;
(n) Medical Schemes Act, Nr. 131 of 1998
(o) National Health Act, Nr. 61 of 2003;
(p) Occupational Health and Safety Act, Nr. 85 of 1993;
(q) Pension Funds Act, Nr 24 of 1956
(r) Protected Disclosures Act, Nr. 26 of 2000;
(s) Protection of Personal Information Act, Nr. 4 of 2013;
(t) Regional Services Councils Act. Nr. 109 of 1985;
(u) Skills Development Act, Nr. 97 of 1998;
(v) Skills Development Levies Act, Nr. 9 of 1999;
(w) Unemployment Insurance Act, Nr. 63 of 2001
(x) Unemployment Insurance Contributions Act Nr. 4 of 2002;

7.2 The abovementioned Acts, as amended, apply and the list is not exhaustive.

7.3 The above Records, insofar as it being of a public nature are available automatically without a
person having to request access thereto in terms of PAIA, as envisaged in Section 52 of PAIA.

8. INFORMATION AUTOMATICALLY AVAILABLE

8.1 All information which is available on the Company’s website is also freely available for
inspection and does not need to be requested in terms of PAIA.

8.2 Request forms for these categories of information are also available from our Information
Officer, whose contact details appear in clause 1 of this Manual:

(a) General information pertaining to the Company;
(b) Services information and brochures;
(c) Newsletters and Newspaper cuttings.

9. SUBJECTS, CATEGORIES AND DESCRIPTION OF INFORMATION HELD

Please note that the Records listed in clause 6 above are not automatically available, and the
process outlined in PAIA in respect of access to information must be followed.
10. **PROCEDURE FOR REQUESTING ACCESS TO INFORMATION IN TERMS OF PAIA**

10.1 A request must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record. These procedural requirements are set out in this section.

10.2 If a Requester wishes to request access to any of the aforementioned categories of information, s/he is required to complete a request form as set out in annexure "A" hereto.

10.3 In certain instances there is a prescribed fee (payable in advance where applicable) for requesting and accessing information in terms of PAIA. Details of these fees are contained in the request form. A Requester may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information that is requested, including copying charges.

10.4 It is important to note that access is not automatic – the Requester must identify the right in seeking protection and explain why the record requested is required for exercise or protection of that right. The Request for Access form must be completed with enough particularity to at least enable the Information Officer to identify the following:

- The Record/s requested;
- The identity of the Requester;
- The form of access that is required, if the request is granted;
- The postal address or fax number of the Requester; and
- The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

10.5 The Requester will be notified in the manner indicated by him/her/it on the Request for Access form whether or not his/her/its request has been approved.

10.6 The completed request must be submitted, together with the prescribed fee where applicable, to the Information Officer at the postal or physical address or electronic mail address recorded in clause 4 above.

10.7 The Company will process the Request for Access within 30 days of receipt of the Request for Access, unless the Request for Access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA. In the case of an extension of the time limit, the Requester has the right to lodge a complaint with the Information Regulator in accordance with POPIA by completing the form prescribed by POPIA.

10.8 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requestor must state the manner and the particulars so required.

10.9 If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
10.10 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

10.11 The Company will voluntarily provide the requested Records to a Personal Requestor (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requestor will be charged in accordance with section 54(6) of PAIA and Annexure B below.

11. GROUNDS FOR REFUSAL

11.1 There are various grounds upon which the Company may or must refuse a Request for Access to a Record in accordance with Chapter 4 of PAIA. They are:

(a) the protection of Personal Information of a third person (who is a natural person, including a deceased person) from unreasonable disclosure (section 63 of PAIA);

(b) the protection of commercial information of a third party if the Records contain trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party (section 64 of PAIA);

(c) refusing access to a Record if disclosure would result in the breach of a duty of confidence owed to a third party (section 65 of PAIA);

(d) refusing access to a Record if it would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person (section 66 of PAIA);

(e) refusing access to a Record that was produced during legal proceedings, unless that legal privilege has been waived (section 67 of PAIA);

(f) refusing access to a Record containing trade secrets, financial or sensitive information or any information that would put the private body at a disadvantage in negotiations or prejudice it in commercial competition (section 68 of PAIA);

(g) refusing access to a Record containing information about research being carried out or about to be carried out on behalf of a third party (section 69 of PAIA).

11.2 Section 70 of PAIA contains an overriding provision. Disclosure of a Record that has been requested is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the Record clearly outweighs the harm contemplated by its disclosure.

11.3 If the Requester’s interest does affect a third party then the Company will first need to inform the third party within 21 days of receiving the request. The third party has 21 days to make representations and/or submissions regarding the granting of access to the Record.

12. THE INFORMATION OFFICER’S DECISION AND REQUESTER’S RECOURSE

12.1 Once the Information Officer has heard all the submissions, he or she will make a decision as to whether or not access to the Record will be granted. If access is granted the Requester must then be granted access to the Record within 30 days of being informed of the decision.

12.2 If the Information Officer does not grant the Requester access to the Record the Requester is entitled in accordance with sections 56(3) (c) and 78 of PAIA to apply to a court for relief within 180 days of notification of the decision for appropriate relief, such as an order
compelling the Record or Records requested to be made available to the Requester or for another appropriate order. The court will determine whether the records should be made available or not.

12.3 The Requester may also approach the Information Regulator and lodge a complaint in accordance with section 74 of POPIA in the prescribed form against the access fee to be paid or the form of access granted. The details of the Information Regulator are as follows:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street,
Braamfontein, Johannesburg, 2001

Email: inforeg@justice.gov.za

12.4 Medtronic does not have any internal appeal procedures. As such, the decision made by the Information Officer is final and Requesters will have to exercise the external remedies at their disposal in the event that a Request for Access is refused.

12.5 The Requester is entitled to receive proper reasons as to why the request was refused.

12.6 If the Information Officer does decide to grant access to the Record, the third party that has been affected has 30 days in which to appeal the decision in the High Court or to lodge a complaint with the Information Regulator in accordance with section 74 of POPIA in the prescribed form. If no appeal or complaint is lodged within 30 days, the Requester must be granted access to the Record.

13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY MEDTRONIC

13.1 Conditions for Lawful Processing

Chapter 3 of POPIA sets out the Conditions for Lawful Processing of Personal Information which must be complied with when a Responsible Party Processes Personal Information. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

a) Accountability
POPIA provides that the Responsible Party is obliged to ensure that the Conditions for Lawful Processing and all other measures required in terms of POPIA are complied with.

b) Processing limitation
The Processing must be done lawfully and in a manner that does not infringe the right to privacy of a Data Subject. Personal information may only be Processed if, given the purpose for which it is Processed, it is adequate, relevant and not excessive. There must furthermore be a justification for Processing Personal Information. Consent is one of the justifications but Personal Information may be Processed in the absence of consent if it is necessary for pursuing the legitimate interests of the Responsible Party or the third party to whom it is disclosed or for the protection of the legitimate interests of the Data Subject. It may also be Processed if it complies with an obligation imposed by law or where it is necessary for the performance of a contract. The Processing of special personal information or personal information of children generally requires consent, subject to certain limited exceptions.

c) Purpose specification
POPIA provides that Personal Information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the Responsible Party. Subject to certain exceptions, Records of Personal Information must not be retained longer than is necessary to achieve the purpose for which it was collected or subsequently Processed, and must be destroyed or deleted once the Responsible Party is no longer authorised to retain the Record. Such exceptions include where (i) the retention is required or authorised by law, (ii) the Data Subject has consented to the retention, or (iii) the Personal Information is being retained for historical, statistical or research purposes.

d) Further Processing Limitation
POPIA provides that the further Processing of Personal Information must be in accordance with or compatible with the purpose for which it was collected.

e) Information quality
A Responsible Party must take reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and updated where necessary.

f) Openness
A Responsible Party is required to maintain the documentation of all Processing operations under its responsibility as required in terms of PAIA and must take reasonably practicable steps to ensure that the Data Subject is made aware of the Personal Information being collected, together with other stipulated information, subject to certain exceptions.

g) Security safeguards
POPIA provides that a Responsible Party must secure the integrity and confidentiality of Personal Information in its possession or under its control by implementing appropriate, reasonable technical and organisational measures to prevent the loss of, damage to or unauthorised destruction of Personal Information, or unlawful access to or Processing of Personal Information. In addition, the Responsible Party should take all reasonable measures to identify all reasonably foreseeable internal and external risks, establish and maintain appropriate safeguards against risks identified, verify that the safeguards are effectively implemented and ensure that the safeguards are updated in response to new risks.

h) Data subject participation
A Data subject is entitled to request a Responsible Party to confirm whether or not it holds Personal Information about the Data Subject, and to request the record itself or a description of the record, subject to the requirements in PAIA. A Data Subject may also request a Responsible Party to correct or delete Personal Information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or to destroy or delete personal information that a Responsible Party is no longer authorised to retain.

13.2 Purpose of the Processing of Personal Information by Medtronic

The purposes for which the Company Processes or will Process Personal Information are:

(a) To collect information when a Data Subject approaches the Company for information, products or services;

(b) Engaging in commercial transactions with customers, vendors and other business contacts;
(c) To respond to requests;
(d) To perform a contract or for contract negotiation;
(e) To contact the Data Subject with information that might be of interest, including information about clinical trials, products and services;
(f) For the performance of clinical trials;
(g) For analytical purposes and to research, develop and improve programs, products, therapies and services;
(h) For providing access to the website;
(i) In order to comply with laws, regulations, court orders and legal obligations;
(j) As may be necessary for pursuing the Company’s legitimate interests or that of a third party to whom the Personal Information is disclosed;
(k) To provide technical support for products or services;
(l) Marketing;
(m) To allow for registration in respect of certain products or services, or enhance their functionality;
(n) To resolve and track the status of any consumer and/or product or service issues;
(o) To manage the Company's relationship with its Customers and Employees and to facilitate any necessary follow up;
(p) To enter into, or perform a contract with the Company's Customers (e.g. in case a Customer wishes to order products or services from the Company);
(q) To enable Customers to participate in the Company's online communities, including social media and blogs;
(r) To enforce the Company's Privacy Statement and other rules about the use of the Company website;
(s) To protect the Company's rights or property;
(t) As necessary to protect someone's health, safety or welfare; and
(u) In other ways to which the Customer consents.

13.3 Categories of Data Subjects and Personal Information/Special Personal Information relating thereto

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. The categories of Data Subjects in relation to which the Company Processes Personal Information include:

(a) Medtronic Employees;
(b) Customers;

(c) Medtronic suppliers and contractors;

(d) Medtronic subsidiary/holding/affiliate companies;

(e) Medtronic service providers and vendors.

The types of Personal Information relating thereto include, without limitation:

(f) Employee information - Personnel Records provided by Employees;

(g) Records provided by a third party relating to Company Employees;

(h) Conditions of employment and other Employee-related contractual Records;

(i) Internal evaluation Records and other internal Records;

(j) Correspondence relating to Employees;

(k) Training schedules and material;

(l) Customer related- Records provided by a Customer to a third party acting for, or on behalf of the Company;

(m) Records provided by a third party to the Company;

(n) Records generated by, or within the Company relating to its Customers, including transactional Records;

(o) Records provided by a Customer to the Company;

(p) The Company's Operational Records;

(q) Databases;

(r) Information technology;

(s) Marketing Records;

(t) Internal correspondence;

(u) Product Records and the results of research and clinical trials;

(v) Statutory Records;

(w) Internal policies and procedures;

(x) Records held by officials of the Company;

(y) Other Parties- Employees, Customer or Company Records which are held by another party;

(z) Records held by the Company pertaining to other parties, including without limitation, financial Records, correspondence, contractual Records, Records provided by other
parties, and Records that third parties have provided which relate to contractors and suppliers.

13.4 Recipients or categories of recipients of Personal Information

The following are the recipients to whom the Company may provide a Data Subject’s Personal Information:

(a) various vendors or suppliers;
(b) service providers;
(c) third-party applications or platforms; and/or
(d) companies within Medtronic’s group of companies.

13.5 Cross-border flows of Personal Information

(a) Section 72 of POPIA provides that Personal Information may only be transferred by a Responsible Party to a third party in a foreign country outside of the Republic of South Africa in the following circumstances:

(b) If the third party who is the recipient of the Personal Information is subject to a law, binding corporate rules or a binding agreement which provide an adequate level of protection that effectively uphold principles similar to the Conditions for Lawful Processing under POPIA, including provisions relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country; or

(c) If the Data Subject consents to the transfer of their Personal Information; or

(d) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

(e) If the transfer is necessary for the conclusion or performance of a contract between the Responsible Party and a third party, concluded in the interests of the Data Subject; or

(f) 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 in all likelihood provide such consent.

13.6 The Company has entered into an agreement with all its offices and affiliates to ensure that Personal Information shared with other Medtronic entities is adequately protected, including where Personal Information is shared with entities in the United States of America. Apart from the inter-company agreement, Medtronic has a Global Privacy Policy in place to which all its offices and affiliates are bound.

13.7 Description of information security measures to the implemented by the Company

The types of security measures implemented by the Company in order to secure the integrity and confidentiality of the Personal Information and ensure that Personal Information is protected from loss, damage, unauthorized destruction or unlawful access are listed in the Global Security Policy.
13.8 Objection to the Processing of Personal Information by a Data Subject

Section 11(3) of POPIA and Regulation 2 of the POPIA Regulations provides that a Data Subject may object to Processing in the prescribed form attached as Annexure F to this Manual where the Processing is based on one of the following grounds, unless legislation provides for such Processing:

- Processing protects a legitimate interest of the Data Subject;
- Processing is necessary for the proper performance of a public law duty by a public body;
- Processing is necessary for pursuing the legitimate interests of the Responsible Party or of a third party to whom it is supplied;
- Processing is for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69 of POPIA.

13.9 Request for correction or deletion of Personal Information

Section 24 of POPIA and Regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Annexure G to this Manual.
ANNEXURE A: 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)

1. **Particulars of Private Body**

   The Head:

2. **Particulars of person requesting access to the Record**

   2.1 The particulars of the person who requests access to the Record must be given below.

   2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.

   2.3 Proof of the capacity in which the request is made, if applicable, must be attached.

   Full names and surname: ..............................................................................................................

   Identity number: ...........................................................................................................................

   Postal address: ...............................................................................................................................  

   ........................................................................................................................................................

   Fax number: ........................................... Telephone number: ........................................

   E-mail address: .............................................................................................................................

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

   .........................................................................................................................................................

3. **Particulars of person on whose behalf request is made**

   This section must be completed ONLY if request for information is made on behalf of another person.

   Full names and surname: ..............................................................................................................

   Identity number: ...........................................................................................................................

4. **Particulars of Record**

   4.1 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.

   4.2 If the provided space is inadequate, please continue on a separate folio and attach into this form.
4.3 The Requester must sign all the additional folios.

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

Reference number, if available: ........................................................................................................

Any further particulars of Record: ....................................................................................................

5. Fees

5.1 A Request for Access to a Record, other than a Record containing Personal Information about you, will be processed only after a request fee has been paid.

5.2 You will be notified of the amount required to be paid as the request fee.

5.3 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.

5.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: ....................................................................................

6. 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 6.1 to 6.4 hereunder, state your disability in which form the Record is required.

Disability: ........................................................................................................................................

Form in which Record is required: ......................................................

Mark the appropriate box with an X

Notes:

(a) Compliance with your request in the specified form may depend 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.

6.1 If the Record is in written on printed form:

Copy of Record*

Inspection of Record

6.2 If Record consists of visual image

(this includes photographs, slides, video Recordings, computer-generated images, sketches etc)
6.3 If the Record consists of Recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)

Transcription of the soundtrack* (written or printed document)

6.4 If the Record is held on computer or in an electronic or machine-readable form:

Printed copy of Record*

Printed copy of information derived from Record*

Copy in computer readable form (stiffy or compact)

YES/NO

*If you requested a copy or transcription of a Record *above, do you wish the copy or the transcription to be posted to you? Postage is payable.

7. **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.

Indicate which right is to be exercised or protected: …………………………………………………

Explain why the Record requested is required for the exercise or protection of the aforementioned right:

……………………………………………………………………………………………………………………

8. **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: …………………………………………………

Date: …………………………………………………

Signature of Requester/person on whose behalf request is made
EXPLANATORY NOTE ON FEES

An explanatory note on fees to be charged by a private body when granting a Request for Access to information in terms of the Promotion of Access to Information Act, 2000.

The fees chargeable by private bodies are contained in part III of Annexure "A" of the Regulations. A copy of part III is attached for your convenience. The present charges are as follows:

1. **Copies of a manual**

   Should an individual require a copy of the business/organizations manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. **Reproduction fees**

   Reproduction fees apply to obtaining copies or transactions of information, which is automatically available from the business/organization. The fees are listed in paragraph 2 of part III of Annexure "A" to the Regulations.

3. **Access fees**

   Access fees are chargeable for copies of transcriptions of information requested under this Act. The fees are listed in paragraph 4 of part III of Annexure "A" to the Regulations.

4. **Other fees**

   4.1 A request fee of R50,00 is payable by a Requester who is seeking access to a Record containing information which is not personal to the Requester. See paragraph 6 of part 1 of this work.

   4.2 A search fee may be charged at a rate of R30,00 per hour or part thereof for the searching and preparing the Record for disclosure provided such time was reasonably required for that purpose.

   4.3 If the request is not limited to Records containing information which is personal to the Requester and if the head of the business/organization is of the opinion that the time taken to give effect to the request will exceed six hours the Requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

   4.4 If a copy of a Record is posted to a Requester, the Requester is obliged to pay the actual postage payable.
PART III: FEES IN RESPECT OF A PRIVATE BODY

1. The fee for a copy of the manual as contemplated in regulations 9 (2) ©is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(a) are as follows:

2.1 for every photocopy of an A4-size or part thereof R 1,10;

2.2 for every printed copy of an A4-size or part thereof held on a computer or in electronic R 0,75 or machine-readable form;

2.3 for a copy in a computer-readable form on:

(a) stiffy disc - R 7,50;
(b) compact disc - R 70,00;

2.4 for a transcription of visual images, for an A4-size page or part thereof R 40,00, for a copy of the visual images R 60,000;

2.5 for a transcription of an audio Record, for an A4-size page or part thereof R 20,00, for a copy of an audio Record R 30,00.

3. The request fee payable by a Requester, other than a personal Requester, referred to regulation 11(2) is R 50,00.

4. The access fees payable by a Requester referred to in regulation 11(3) are as follows:

4.1 for every photocopy of an A4-size or part thereof R 1,10;

4.2 for every printed copy of an A4-size or part thereof held on a computer or in electronic or machine-readable form R 0,75;

4.3 for a copy in a computer-readable form on:

(a) stiff R 7,50;
(b) compact disc R 70,00

4.4 for a transcription of visual images, for an A4-size page or part thereof R 40,00, for a copy of an audio Record R 30,00;

4.5 to search for and prepare the Record for disclosure, R 30,00 for each hour or part of an hour reasonably required for such search and preparation;

4.6 for purposes of section 54(2) of the Act, the following applies; and

(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;

4.7 the actual postage is payable when a copy of a Record must be posted to a Requester.
ANNEXURE B: FORM FOR THE OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

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, 2017
[Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must 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.

Reference Number....

<table>
<thead>
<tr>
<th>A</th>
<th>DETAILS OF DATA SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Name and surname of Data Subject:</td>
</tr>
<tr>
<td></td>
<td>Residential, postal or business address:</td>
</tr>
<tr>
<td></td>
<td>Code ( )</td>
</tr>
<tr>
<td></td>
<td>Contact number(s):</td>
</tr>
<tr>
<td></td>
<td>Fax number:</td>
</tr>
<tr>
<td></td>
<td>E-mail address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>DETAILS OF RESPONSIBLE PARTY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Name and surname of Responsible Party (if the Responsible Party is a natural):</td>
</tr>
<tr>
<td></td>
<td>Residential, postal or business address:</td>
</tr>
<tr>
<td></td>
<td>Code ( )</td>
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<tr>
<td></td>
<td>Contact number(s):</td>
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<td></td>
<td>Fax number:</td>
</tr>
<tr>
<td></td>
<td>E-mail address:</td>
</tr>
</tbody>
</table>
Name of public or Private Body (*if the Responsible Party is not a natural person*):

Business address:

Code ( )

Contact number(s):

Fax number:

E-mail address:

C REASONS

Signed at this day of 20

*Signature of Data Subject (applicant)*
ANNEXURE C: FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL INFORMATION IN TERMS OF POPI

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, 2017

[Regulation 3(2)]

Note:

1. Affidavits or other documentary evidence in support of the request must 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.

Reference Number

Mark the appropriate box with an "x".

Request for:

Reference Number....

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 secure the Record of information.

<table>
<thead>
<tr>
<th>A DETAILS OF THE DATA SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname:</td>
</tr>
<tr>
<td>Full names:</td>
</tr>
<tr>
<td>Identity number:</td>
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<td>Residential, postal or business address:</td>
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<tr>
<td>Contact number(s):</td>
</tr>
<tr>
<td>Fax number:</td>
</tr>
<tr>
<td>E-mail address:</td>
</tr>
</tbody>
</table>
**B DETAILS OF RESPONSIBLE PARTY**

Name and surname of responsible party (*if the responsible party is a natural person*):

| Residential, postal or business address: | |
| Code ( ) | |
| Contact number(s): | |
| Fax number: | |
| E-mail address: | |

Name of public or Private Body (*if the Responsible Party is not a natural person*):

Business address:

| Code ( ) | |
| Contact number(s): | |
| Fax number: | |
| E-mail address: | |

**C REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request) *Delete whichever is not applicable.**

Signed at this day of 20 .