

CIPLA MEDPRO SOUTH AFRICA (PTY) LTD
Registration Number: 2002/018027/07

PROMOTION OF ACCESS TO INFORMATION MANUAL

**Compiled in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000
("PAIA")**

Date of compilation: January 2019

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1 BACKGROUND TO PAIA

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000 (the “Act” or “PAIA”), was enacted on 3 February 2000, and it seeks, amongst others, to give effect to the constitutional right of access to any information held by the state, or by any other person, where such information is required for the exercise or protection of any right. When a request is made in terms of the Act, there is an obligation to release the information, except in circumstances whereby the Act expressly provides that the information must not be released, or may be withheld. The Act makes provision for a procedure to be followed in order to process any request for information.
- 1.2 The Act establishes voluntary and mandatory mechanisms or procedures to give effect to the constitutional right to information in a manner which enables persons to obtain records of public and private bodies as swiftly, inexpensively and effortlessly, as reasonably possible and generally to promote transparency, accountability and effective governance of all public and private bodies.
- 1.3 In terms of section 51 of the Act, all private bodies are required to compile an information manual (“PAIA Manual”). This document serves as Cipla’s PAIA Manual.
- 1.4 This PAIA Manual is not exhaustive nor does it comprehensively deal with every procedure provided for in the Act. Requesters are therefore advised to familiarise themselves with the provisions of the Act. Should you have any difficulty in using this PAIA Manual, do not hesitate to contact the Information Officer identified in paragraph 6 below.

2 PURPOSE OF THIS MANUAL

- 2.1 This PAIA Manual is required by section 51 of the Act and is intended to ensure that Cipla complies with the Act and foster a culture of transparency and accountability, and to promote effective governance of private bodies, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which South Africans have effective access to information to enable them to fully exercise and protect their rights.
- 2.2 Section 9 of the Act, however, recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 2.3 limitations aimed at the reasonable protection of privacy;
 - 2.4 commercial confidentiality; and
 - 2.5 effective, efficient and good governance, in a manner which balances that right with any other rights, including such rights contained in the bill of rights in the Constitution.

3 COMPANY OVERVIEW

- 3.1 Cipla Medpro South Africa (Pty) Ltd (“Cipla”) is a private company incorporated in terms of the company laws of the Republic of South Africa with registration number: 2002/018027/07. Its shares are 100% held by Cipla Limited incorporated in India,
- 3.2 Established in 1935, Cipla Limited is a global pharmaceutical company focused on agile and sustainable growth, complex generics, and deepening portfolio in our home markets of India, South Africa, North America, and key regulated and emerging markets. Our strengths in the respiratory, anti-retroviral, urology, cardiology and CNS segments are well-known. Our 44 manufacturing sites around the world produce 50+ dosage forms and 1,500+ products using cutting-edge technology platforms to cater to our 80+ markets. Cipla is ranked 3rd largest in pharma in India, 3rd largest in the pharma private market in South Africa and is among the most dispensed generic players in the US. For over eight decades, making a difference to patients has inspired every aspect of Cipla’s work. Our paradigm-changing offer of a triple anti-retroviral therapy in HIV/AIDS at less than a dollar a day in Africa in 2001 is widely acknowledged as having contributed to bringing inclusiveness, accessibility and affordability to the center of the movement. A responsible corporate citizen, Cipla’s humanitarian approach to healthcare in pursuit of its purpose of ‘Caring for Life’ and deep-rooted community links wherever it is present make it a partner of choice to global health bodies, peers and all stakeholders. For more, please visit www.cipla.com, or click on Twitter, Facebook, LinkedIn.
- 3.3 Cipla is the third largest pharmaceutical manufacturer in the country. Through Cipla’s ethos of ‘Caring for Life’, Cipla Medpro produces world-class medicines at affordable prices for the public and private sectors, advancing healthcare for all South Africans. For more information, visit www.cipla.co.za/.

4 CIPLA MEDPRO SOUTH AFRICA (PTY) LTD GROUP STRUCTURE

In this PAIA Manual, any reference to “Cipla” refers to Cipla Medpro South Africa (Pty) Ltd and all its subsidiaries incorporated in South Africa.

5 CONTACT DETAILS [SECTION 51(1)(a)] OF PAIA

Company Name	Cipla Medpro South Africa (Pty) Ltd
Registration Number	2002/018027/07
Postal Address	1474 South Coast Road, Mobeni, Durban 4052
Street Address	Cipla Head Office, Parc du Cap, Building 9, Mispel Street, Bellville, Cape Town, 7530, South Africa
Telephone	080 222 6662
E-mail	info@cipla.co.za
Website	www.cipla.co.za

6 THE INFORMATION OFFICER

- 6.1 The Chief Executive Officer of Cipla is, in terms of the Act, the Information Officer, responsible to assess requests of access to information. Cipla has opted to appoint an Information Officer to ensure that the requirements of the Act are administered in a fair, objective, transparent, and unbiased manner within Cipla.
- 6.2 The Information Officer appointed in terms of the Act is also an Information Officer as referred to in the Protection of Personal Information Act 4 of 2013 ("POPI"). The Information Officer oversees the functions and responsibilities as required for in terms of both this Act and as well as section 55 of POPI after registering with the Information Regulator as required by POPI.

7 DETAILS OF THE INFORMATION OFFICER

Full Name	Mr Oscar Manuga
Telephone	+27 21 943 4200
E-mail	Oscar.Manuga@Cipla.com
Physical Address	Cipla Head Office, Parc du Cap, Building 9, Mispel Street, Bellville, Cape Town, 7530, South Africa
Postal Address	Same as above

8 GUIDE FOR REQUESTERS ON HOW TO USE THE PAIA: SECTION 51 (1)(b) OF PAIA

- 8.1 A guide has been compiled in terms of section 10 of the Act by the South African Human Rights Commission ("the Commission"). It contains information required by a person wishing to exercise any right, contemplated by the Act. It can be made available in all the official languages of the Republic of South Africa.
- 8.2 The guide is available for inspection from the Commission. Please direct any queries to the Commission:

The South African Human Rights Commission	PAIA Unit The Research and Documentation Department
Physical Address	Braampark Forum 3 33 Hoofd Street, Braamfontein, Johannesburg South Africa
Postal Address	Private Bag X2700 Houghton 2041
Telephone	+27 11 887-3600
Fax	+27 11 403 0625
E-mail Address	PAIA@sahrc.co.za
Website	www.sahrc.org.za

9 SECTION 52(2) OF PAIA: NOTICE

At date of signature of this PAIA Manual no notices relevant to Cipla has been published by the Minister of Justice and Constitutional Development under section 52(2) of the Act.

10 RECORDS AUTOMATICALLY AVAILABLE: SECTION 51(1)(c) OF PAIA

10.1 The following records are automatically available to **all employees** of Cipla and need not be requested in accordance with the procedure stated in this PAIA Manual -

10.1.1 personnel records are available to the employee whose file it is;

10.1.2 records of disciplinary hearings and related matters are available to the employee concerned; and

10.1.3 the company's policies and procedures manuals.

10.2 The following records are automatically available to the **general public** and all employees of Cipla and need not be requested in accordance with the procedure stated in this PAIA Manual-

10.2.1 the employment equity plan;

10.2.2 the skills development plan; and

10.2.3 all records that are automatically available to the public such as records lodged in terms of government requirements with various statutory bodies, including the Companies and Intellectual Property Commission (CIPC), the Registrar of Deeds and all records in booklets, brochures and pamphlets, published by Cipla for distribution to the public including all records on Cipla's website: www.cipla.co.za.

11 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d) OF PAIA

11.1 Where applicable, Cipla retains records and documents in terms of legislation listed below (please note that this is not an exhaustive list). Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act:

Act or Regulation	Reference
Companies Act	No.71 of 2008
Basic Conditions of Employment Act	No.75 of 1997
Compensation for Occupational Injuries and Diseases Act	No. 130 of 1993
Occupational Health and Safety Act	No. 29 of 1996
Labour Relations Act	No. 66 of 1995
Competition Act	No 71 of 2008

Electronic Communications Act	No.36 of 2005
Electronic Communications and Transactions Act	No.25 of 2002
Medicines and Related Substances Act	No.101 of 1965
National Environmental Management Act	No. 107 of 1998
Pharmacy Act	No. 53 of 1974
Patents Act	No. 57 of 1978
Trademarks Act	No. 194 of 1993
Copyright Act	No.98 of 1978
Consumer Protection Act	No. 68 of 2008
Value-Added Tax Act	No. 107 of 1998

12 CIPLA PRIVACY PRACTICES

12.1 Cipla collects personal or other information to:

- 12.1.1 meet our responsibilities to customers, employees and other natural or juristic persons;
- 12.1.2 inform you of new services; and
- 12.1.3 make sure our business suits your needs.

12.2 Personal information may be received from or provided to:

- 12.2.1 any regulatory authorities such as, South Africa Health Products Regulatory Authority (“SAHPRA”), The South African National Accreditation Systems (“SANAS”), the South African Bureau of Standards (“SABS”) and Medicines Pricing Committee, as well as the national department of health.
- 12.2.2 comply with any regulation passed under the relevant legislation, or any legal process;
- 12.2.3 protect and defend Cipla’s rights and property (including Cipla’s intellectual property); and
- 12.2.4 third party service providers in order to uphold contractual obligations or service customers.

12.3 Trans-border information flows

- 12.3.1 Cipla may share with or receive personal information from parties as set out above, where these parties reside outside of the Republic of South Africa. All operations are required to abide by Cipla’s policies, procedures and guidelines, regardless of legislative requirements for data protection in these countries.

12.4 Employee personal information may be received from or provided to:

- 12.4.1 Pension / provident funds and/or their trustees;
- 12.4.2 Medical aid funds;
- 12.4.3 Recruitment companies; and
- 12.4.4 Credit bureaux.

12.5 Our security practices

- 12.5.1 Cipla is committed and obliged to implement all reasonable controls to safeguard access to your personal information.
- 12.5.2 Where third parties are required to process your personal information in relation to the purposes set out in this PAIA Manual and for other legal requirements, we ensure that they are contractually bound to apply the appropriate security practices.
- 12.5.3 All use of our website and transactions through it are protected by encryption (secret codes) in line with international standards.

13 REQUESTING ACCESS TO RECORDS

- 13.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 13.2 The requester must complete the prescribed form (**Annexure “A”**) to this PAIA Manual.
- 13.3 The requester must:
 - 13.3.1 complete **Annexure A** to this PAIA Manual and submit same as well as payment of a request fee to the Information Officer at the postal or physical address, fax number or email address stated at paragraph 7 above;
 - 13.3.2 **Annexure A** must be filled in with sufficient information to enable the Information Officer to identify:
 - (a) the record requested; and
 - (b) identity of the requester.
 - 13.3.3 The requester must indicate the postal address, email or fax number in the Republic of South Africa.

- 13.3.4 The requester must state that he/she require 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 clearly specify why the record is necessary to exercise or protect such right (section 53(2)(d) of the Act.
- 13.4 Cipla will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictated that the above periods not be complied with.
- 13.5 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and particulars required.
- 13.6 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction to the Information Officer (section 53(2)(f) of the Act.
- 13.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 13.8 The requester must pay the prescribed fee, before any further processing can take place.
- 13.9 All information as listed in paragraph 13 herein should be provided failing which, the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.
- 13.10 If, in addition to a written reply to the request for the record, the requester wants to be informed of the decision in any other manner, e.g. telephonically, the requester must indicate it in the request.
- 13.11 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

14 DECISION

- 13.1. Cipla will, within 30 (thirty) days of request of the request decide whether to grant or decline the request and give reasons (if required) to its decision.
- 13.2. The 30 (thirty) days period within which Cipla has to decide whether or not to grant the request, may be extended for a further period of not more that 30 (thirty) days if the request is for large number of information or the request requires a search for information held at another office of Cipla and the information cannot reasonably be obtained within the initial 30 (thirty) day period.
- 13.3. Cipla will notify the requester in writing should an extension be necessary.

15 REMEDIES

- 13.4. Cipla does not have any internal appeal procedure. As such, the decision made by the Information Officer is final, and requestors shall exercise any external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.
- 13.5. A requestor that is not satisfied with the Information Officer's refusal to disclose information shall within thirty (30) days of notification of the decision, apply to a Court for relief.
- 13.6. Likewise, a third party not satisfied with the Information Officer's decision to grant a request for information, shall within thirty (30) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

16 AVAILABILITY OF THIS MANUAL AND UPDATES

- 13.1. This PAIA Manual is published on Cipla's website at www.cipla.co.za or alternatively a copy can be requested from the Information Officer whose contact details are stated in paragraph 7.
- 13.2. This PAIA Manual is made available in terms of Regulation Number R187 of 15 February 2002. Cipla will update this PAIA Manual at such intervals as it may be necessary.

This PAIA Manual of Cipla is approved and signed by the Chief Executive Officer on ___ January 2019.



**Paul Miller
Chief Executive Officer
Cipla Medpro South Africa (Pty) Ltd**

ANNEXURE A

REQUEST FOR ACCESS TO A RECORD OF CIPLA

(Section 53(1) of the Promotion of Access to Information Act, Act No. 2 of 2000)
(Regulation 10)

A. PARTICULARS OF THE INFORMATION OFFICERS

Director Regional Counsel-SAGA
Mr Oscar Manuga
Cipla Head Office
Parc du Cap, Building 9
Mispel Street, Bellville
Cape Town
South Africa

Tel no : (021) 943 – 4200 or 080 222 6662
E-mail : info@cipla.co.za or Oscar.Manuga@cipla.com

PLEASE NOTE:

Requests for information in terms of the Promotion of Access to Information Act, 2000 will only be processed if the attached request form has been completed in full, signed by the relevant requester and if the applicable fees have been paid. The applicable fees indicated in Annexure "C".

B. PARTICULARS OF PERSON REQUESTING ACCESS TO A RECORD

Full names and

Surname of requester: _____

Identity number: _____

Postal address: _____

Postal code: _____

Fax number: (____) _____

Telephone number: _____ Cell number: _____

E-mail address: _____

C. PARTICULARS OF PERSON ON WHOSE BEHALF THE 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 of requester: _____

Identity number: _____

Postal address: _____

Postal code: _____

Fax number: (____) _____

Telephone number: _____ Cell number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person (i.e. parent, guardian, attorney):

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, and/or the division/person where it is held, to enable the record to be located.

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 of R50.00** has been paid.
- (b) 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. For an indication of the fees payable, consult Annexure "C".
- (c) If you qualify for exemption of the payment of any fee, 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: _____

Alternative form in which record is required: _____

PLEASE NOTE:

- (a) Compliance with your request for access 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.

Mark the form in which access is requested with an "X" in the appropriate box

1. If the record is in a 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*

Transcription of the images*

3. If the 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

Copy in computer
readable form* (stiffy
or disc)

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

Please note: Postage is payable

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.

In which language would prefer the record? _____

G. 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, specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20__

Signature of requester / person on
whose behalf request is made

ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for copies of the record held by Cipla, is R0.60 for every photocopy of an A4-size page or part thereof. (Regulation 5(c))

Note: This PAIA Manual will be available at the Offices of the Information Officer and on the website of the website of Cipla.

2. The **request fee** payable by every requester other than a personal requester is **R50.00**. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
3. If the request is granted by the information officer a further **access fee** is payable by a requester for the search, preparation and reproduction of a record as follows:

(a)	Photocopy per A4 page.	R1.10
(b)	Printing per A4 page.	0.75
(c)	Copy on a CD.	R70.00
(d)	Transcription of visual images per A4 page.	R40.00
(e)	Copy of a visual image.	R60.00
(f)	Transcription of an audio recording per A4 page.	R20.00
(g)	Copy of an audio recording.	R30.00
(h)	Search and preparation of the record for disclosure.	R30.00 Per hour of part thereof, excluding the first hour, reasonably required for the search and preparation.
(i)	Postage fees have to be paid by the requester for the delivery of their records in the case of private bodies.	

A **deposit** is payable if, in the opinion of the information officer, the search and preparation of a record would require more than the hours prescribed for this purpose. The following applies:

- (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.

3.3 The **actual postage** is payable when a copy of a record must be posted to a requester.

- 4 The **fees for reproduction** payable for access to the categories of records of Cipla that are automatically available without a person having to request access in terms of the Act, are as follows:

(a)	For every photocopy of an A4-size page or part thereof	R1.10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c)	For a copy in a computer-readable form on –	
	(i) stiffy disc	R7.50
	(ii) compact disc	R70.00
(d)	(i) For a transcription of a visual images, for an A4- size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof.	R20.00
	(ii) For a copy of an audio record.	R30.00

