

**PAIA MANUAL**

**ALCON LABORATORIES (SOUTH AFRICA) (PTY) LTD (“ALCON”)**

**THE PROMOTION OF ACCESS TO INFORMATION MANUAL**

**(“Manual”)**

1. **PREAMBLE**

- 1.1. The Promotion of Access to Information Act, 2000 (“**PAIA**”) came into operation on 9 March 2001. PAIA seeks, among other things, 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 and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.
- 1.2. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.
- 1.3. This Manual constitutes Alcon’s PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“**POPIA**”), which gives effect to everyone’s Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.4. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

<b>VERSION</b>	<b>POLICY OWNER</b>	<b>DATE</b>
1.0	ALCON	July 2017
2.0	ALCON	May 2021

## 2. ABOUT ALCON

- 2.1. Alcon is a world leader specialising in vision and eye care products. Further general information about Alcon, its operations and activities can be obtained from the website at [www.Alconsa.co.za](http://www.Alconsa.co.za).
- 2.2. A copy of this manual is available to the public for inspection on the Alcon website at [www.Alconsa.co.za](http://www.Alconsa.co.za). The manual is further available for viewing as a hard copy at the office of the Head: Legal and Compliance at Magwa Crescent West, Waterfall City, Jukskei View, Johannesburg.
- 2.3. This PAIA Manual is compiled not only to ensure that Alcon complies with PAIA and POPIA, but is also intended to:
  - 2.3.1. foster a culture of transparency and accountability within Alcon by giving effect to the right to information that is required for the exercise or protection of any right; and
  - 2.3.2. actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

## 3. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- 3.1. to provide a list of all records held by Alcon;
- 3.2. to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 3.3. to define the manner and form in which a request for information must be submitted; and
- 3.4. to comply with the additional requirements imposed by POPIA.

## 4. CONTACT DETAILS

<b>Name of Private Body:</b>	Alcon Laboratories (South Africa) (Pty) Ltd
<b>Designated Information Officer:</b>	Richard Kibble
<b>Email address of Information Officer:</b>	privacy@alcon.com
<b>Postal address:</b>	PO Box 12257, Vorna Valley, 1686
<b>Street address:</b>	Novartis Building, Magwa Crescent West, Waterfall City, Jukskei View, 2090
<b>Phone number:</b>	011 840 2300

## 5. THE INFORMATION AND DEPUTY INFORMATION OFFICERS

- 5.1. PAIA and POPIA require the appointment of an Information Officer which in relation to a private body means the head of a private body as contemplated in section 1 of PAIA.
- 5.2. Section 56 of POPIA makes provision for the appointed Information Officer to delegate the associated duties and responsibilities to a duly authorised person. All requests to ALCON for information in terms of the Act must be addressed to the Deputy Information Officer.

### Contact details of Deputy Information Officer

**Deputy Information Officer:** Mandi Krebs  
**Physical Address:** Novartis Building, Magwa Crescent West, Waterfall City, Jukskei View, 2090  
**Postal Address:** PO Box 12257, Vorna Valley, 1686  
**Telephone Number:** 011 840 2300  
**E-mail:** [privacy@alcon.com](mailto:privacy@alcon.com)

## 6. INFORMATION REGULATORS GUIDE

- 6.1. An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

**Postal Address:** JD House  
27 Stiemens Street  
Braamfontein, Johannesburg, 2001  
**Telephone Number:** 012 406 4818  
**Fax Number:** 086 500 3351  
**E-mail Address:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)  
**Website:** <https://www.justice.gov.za/inforeg/>

## **7. ENTRY POINT FOR REQUESTS**

- 7.1. PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- 7.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable Alcon to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 7.3. The Deputy Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 7.4. The Deputy Information Officer will facilitate the liaison with the internal legal team on all of these requests.
- 7.5. All requests in terms of PAIA and this Manual must be addressed to the Deputy Information Officer using the details in paragraph 5.2 above.

## **8. AUTOMATICALLY AVAILABLE INFORMATION**

- 8.1. Information that is obtainable via Alcon website about Alcon is automatically available and need not be formally requested in terms of this Manual.
- 8.2. The following categories of records are automatically available for inspection, purchase or photocopying:
  - 8.2.1. brochures
  - 8.2.2. press releases
  - 8.2.3. publication; and
  - 8.2.4. various other marketing and promotional material.

## **9. INFORMATION AVAILABLE IN TERMS OF POPIA**

### **9.1. Categories of personal information collected by Alcon**

Alcon may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- 9.1.1. information relating to the gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- 9.1.2. information relating to the education or the medical, financial, criminal or employment history of the person;
- 9.1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 9.1.4. the personal opinions, views or preferences of the person;
- 9.1.5. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 9.1.6. the views or opinions of another individual about the person; and
- 9.1.7. the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 9.1.8. the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- 9.1.9. the criminal behaviour of a data subject to the extent that such information relates to-
  - 9.1.9.1. the alleged commission by a data subject of any offence; or
  - 9.1.9.2. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

## **9.2. The purpose of processing personal information**

- 9.2.1. In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Alcon will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to [Alcon's Privacy Policy](#) for further information.

9.2.2. In general, personal information is processed for purposes of dealing with customers, complaints, procurement purposes, records management, security, employment and related matters.

**9.3. A description of the categories of data subjects and of the information or categories of information relating thereto**

9.3.1. Past, present and prospective staff of Alcon (including candidates, volunteers, agents, interns, retirees, directors and officers, consultants, independent contractors, temporary and casual workers) ("employees");

9.3.2. Individuals identified by employees as beneficiaries, domestic partners, family members and emergency contacts ("relatives");

9.3.3. Past, present and prospective customers/clients of Alcon including investors, complainants, correspondents, end users and enquirers of Alcon ("customers");

9.3.4. Past, present and prospective healthcare professionals and patients of Alcon including investigators, their teams and participants into clinical trials ("HCPs" and "patients"); and

9.3.5. Suppliers, advisers, agents, vendors, government and public officials, any individual involved in business with the Alcon Group and other professional experts to Alcon ("suppliers/vendors").

The Personal Information transferred concern the following categories of data:

- The personal information transferred relating to employees includes (without limitation):

a telephone number and fax number); personal email address; personal telephone number (including mobile telephone number); tax ID; utility bill information; tax rates and allowances and other tax related data; donations to charities and church; government identification number; details of dependants (names, dates of birth, gender); marital status and marriage certificate; pregnancy certificate; bank account number and bank data; credit card number; salary and compensation data including bonus and benefits (e.g.; travel, health and life insurance); band zone (employee's position as executive, manager or professional); employment contracts and offer letters; directors' letters of appointment and contractors' engagement letters; prior earning records; economic, financial and insurance data; data collected pursuant to legal obligations, breach of labour duties; hiring manager/reporting

line; employee attendance information; probation period; start date; termination date and reasons for termination; employee ID number; evidence uncovered as part of any internal investigations; whistle-blowing reports and other complaints; education and other academic and professional qualifications; languages/fluency; positions held on corporate boards or in government; employee purchase expense data (including travel and entertainment expenses); employee performance and evaluation data (including any investment and financial transaction activity); employee discipline information; information regarding previous roles and employment; details of work-related accidents; emergency contact information; language proficiency; financial account numbers and associated password and PINs; investment details and history; expressions of opinion; training information; tuition reimbursement data; Alcon system access data (username, password and system ID number); application access (level of authorisation); social security number; IP address; cookies data; traffic data; logging data; hobbies; images and sounds (including CCTV footage).

- The personal information transferred relating to relatives includes (without limitation):

- a Name; job title; employer; home address; date of birth; place of birth; passport details; birth certificates; education status (full time or not); professional email address; professional telephone number (including mobile telephone number); personal email address; personal telephone number (including mobile telephone number); marital status and marriage certificate.

- The personal information transferred relating to customers includes (without limitation):

- a Name; home address; photograph; professional email address; professional telephone number (including mobile telephone number); personal email address; personal telephone number (including mobile telephone number); marital status; data related to transactions including transactions' purposes; financial investments; records of interactions with customers; website registration information; tax ID; government identification number; customer numbers; complaints; credit card/debit card details; bank account details;

- b marketing preferences; IP address; cookie data; login credentials (username and password); traffic data including web logs; images and sounds (including CCTV footage).



- The personal information transferred relating to suppliers/vendors includes (without limitation):
  - a Name; job title; employer; home address; date of birth; social security/national insurance number; ID card/passport details; photograph; professional email address; professional telephone number (including mobile telephone number); personal email address; personal telephone number (including mobile telephone number); marital status; data related to transactions including transactions' purposes; academic and professional qualifications; tax ID; government identification number; bank account details; IP address; cookie data;
  - b logging data; educational training; images and sounds (including CCTV footage).
  
- The personal information transferred relating to HCPs and Patients includes (without limitation):
  - a Name; professional email address; professional telephone number (including mobile telephone number); personal email address; personal telephone number (including mobile telephone number); academic and professional qualifications; tax ID; government identification number; bank account details; contact details, medical specialty, information about experience and opinions about our products, details about publishing activities, participation in meetings, seminars, advisory boards and conferences, information about connection with other individuals or institutions, information about participation in clinical trials and non-interventional studies, information about language abilities and other professional skills.

The Personal Information transferred concern the following categories of sensitive data:

- Transfers of personal information relating to employees may include (without limitation):
  - a Health data; information relating to offences and criminal proceedings, outcomes and sentences; information relating to racial and/or ethnic origins; data on religion.
  
- Transfers of personal data relating to relatives may include (without limitation):
  - a Health data.
  
- Transfers of personal data relating to customers may include (without limitation):

- a Data regarding racial and/or ethnic origin and religion.
- The personal information transferred relating to Patients includes (without limitation):
  - a key coded data regarding clinical trial participants; height, weight, age, gender, race/ethnicity, medical records (e.g., medical conditions, medications, medical examination results, medical treatment history, etc.), vital signs (e.g., blood pressure, heart rate, breathing rate, body temperature), lab test results (e.g., blood tests, urine tests, etc.), medical images, health questionnaire responses, and other clinical data related to study participation.

Alcon holds information and records on the following categories of data subjects:

- Employees / personnel of Alcon;
- Any third party with whom Alcon conducts business;
- Contractors of Alcon;
- Suppliers of Alcon.

(This list of categories of data subjects is non-exhaustive.)

#### **9.4. The recipients or categories of recipients to whom the personal information may be supplied**

Depending on the nature of the personal information, Alcon may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and other relevant legislation, Alcon may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Alcon operates.

## **9.5. Planned transborder flows of personal information**

- If a data subject visits Alcon's website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.
- Alcon may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.
- These countries may not have data-protection laws which are similar to those of South Africa

## **9.6. A general description of information security measures to be implemented by Alcon**

Alcon takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Alcon takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **10. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- *Administration of Estates Act 66 of 1965*
- *Arbitration Act 42 of 1965*
- *Basic Conditions of Employment Act 75 of 1997*
- *Broad Based Black Economic Empowerment Act 53 of 2003*
- *Companies Act 71 of 2008*
- *Compensation for Occupational Injuries and Health Diseases Act 130 of 1993*
- *Constitution of South Africa Act 108 of 1996*
- *Criminal Procedure Act 51 of 1977*
- *Customs and Excise Act 91 of 1964*
- *Electronic Communications and Transactions Act 25 of 2002*
- *Employment Equity Act 55 of 1998*
- *Environment Conservation Act 73 of 1989*
- *Estate Agency Affairs Act 112 of 1976*
- *Explosives Act 13 of 1956*
- *Financial Markets Act 19 of 2012*
- *Hazardous Substances Act 15 of 1973*
- *Income Tax Act 58 of 1962*

- *Insolvency Act No. 24 of 1936*
- *Labour Relations Act 66 of 1995*
- *National Credit Act 34 of 2005*
- *National Dust Control Regulations, 2013 under the National Environmental Management: Air Quality Act 39 of 2004*
- *National Environmental Management Act 107 of 1998*
- *National Environmental Management: Waste Act 59 of 2008*
- *National Water Act 36 of 1999*
- *Occupational Diseases in Mines and Works Act 78 of 1973*
- *Occupational Health & Safety Act 85 of 1993*
- *Pension Funds Act 24 of 1956*
- *Prevention and Combatting of Corrupt Activities Act 12 of 2004*
- *Prevention of Organised Crime Act 14 of 1998*
- *Protected Disclosure Act 26 of 2000*
- *Promotion of Access of Information Act 2 of 2000*
- *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000*
- *Protection of Personal Information Act 4 of 2013*
- *Sarbanes Oxley Act of 2000*
- *Skills Development Act 97 of 1998*
- *Skills Development Levies Act 9 of 1999*
- *Tax Administration Act 28 of 2011*
- *Trade Marks Act 194 of 1993*
- *Unemployment Contributions Act 4 of 2002*
- *Unemployment Insurance Act 63 of 2001*
- *Value Added Tax Act 89 of 1991*

## 11. **CATEGORIES OF RECORDS AVAILABLE UPON REQUEST**

- 11.1. Alcon maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.
- 11.2. Please note further that many of the records held by Alcon are those of third parties, such as clients and employees, and Alcon takes the protection of third party confidential information very seriously. In particular, where Alcon acts as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of Alcon. For further information on the grounds of refusal of access to a record please see paragraph 12.7.2 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<p><b>Internal records</b></p> <p>The records listed pertain to Alcon's own affairs</p> <p>Some of these categories of records are covered in more detail below</p>	<ul style="list-style-type: none"> <li>• Memoranda and Articles of Association</li> <li>• Financial records</li> <li>• Operational records</li> <li>• Intellectual property</li> <li>• Marketing records</li> <li>• Internal correspondence</li> <li>• Service records</li> <li>• Statutory records</li> <li>• Internal policies and procedures</li> <li>• Minutes of meetings</li> </ul>
<p><b>Personnel records</b></p> <p>For the purposes of this section, “<b>personnel</b>” means any person who works for or provides services to or on behalf of Alcon and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Alcon. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> <li>• Any personal records provided to us by our personnel</li> <li>• Any records a third party has provided to us about any of their personnel</li> <li>• Conditions of employment and other personnel-related contractual and quasi legal records</li> <li>• Employment policies and procedures</li> <li>• Internal evaluation and disciplinary records and</li> <li>• Other internal records and correspondence.</li> </ul>
<p><b>Client-related records</b></p>	<ul style="list-style-type: none"> <li>• Contracts with the client and between the client and other persons</li> </ul>
<p><b>Other third party records</b></p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Alcon is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Alcon.</p>	<ul style="list-style-type: none"> <li>• Personnel, client, or Alcon records which are held by another party as opposed to being held by Alcon</li> <li>• Records held by Alcon pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers</li> </ul>

Category of records	Records
<b>Transformation and Stakeholder Development Records</b>	<ul style="list-style-type: none"> <li>• Proposals for funding received</li> <li>• Records concerning organisations receiving support</li> <li>• Schedules of approved projects</li> <li>• Reports, books, publications and general information</li> <li>• Records and contracts of agreements</li> </ul>
<b>Supply Chain Records</b>	<ul style="list-style-type: none"> <li>• Policies and procedures manuals</li> <li>• Purchasing agreements</li> <li>• Material catalogue for stock items</li> <li>• Supply contract Vendor list</li> </ul>
<b>Strategic Planning Records</b>	<ul style="list-style-type: none"> <li>• Operational plans</li> <li>• Strategic plans</li> <li>• JSE Socially Responsible Investment Index questionnaire</li> </ul>
<b>Corporate Affairs Records</b>	<ul style="list-style-type: none"> <li>• Database of current and past institutional investors</li> <li>• Database of analysts</li> <li>• Media database</li> <li>• General mailing lists</li> <li>• Promotional material</li> <li>• Company article and newspaper records</li> <li>• Presentations on Alcon</li> <li>• Market research on Alcon and peers</li> <li>• Company press releases</li> <li>• Media coverage on Alcon and peers</li> </ul>
<b>Human Resources Records</b>	<ul style="list-style-type: none"> <li>• Booklets and Codes for employees</li> <li>• Collective agreements</li> <li>• Human Resources Policies</li> <li>• Employee records relating to: <ul style="list-style-type: none"> <li>- Employment</li> <li>- Manning</li> <li>- Remuneration and Incentives</li> <li>- Accommodation</li> <li>- Performance Management</li> </ul> </li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>- Employee Development</li> <li>- Employee Relations</li> <li>- Employee Care</li> <li>- Human Resource Administration</li> <li>- Health and Wellness</li> <li>- Separations</li> <li>- Managerial</li> <li>- Disciplinary Hearings</li> <li>- Employment Equity Plan</li> </ul>
<b>Treasury Records</b>	<ul style="list-style-type: none"> <li>• Correspondence</li> <li>• Mandates and resolutions</li> <li>• Service contracts</li> <li>• Facility letters</li> <li>• Transitional records</li> </ul>
<b>Business Development Records</b>	<ul style="list-style-type: none"> <li>• Books and publications</li> <li>• Brokers notes</li> <li>• Information relating to: <ul style="list-style-type: none"> <li>- Alcon</li> <li>- Competitors</li> <li>- Mining and resource projects and assets</li> <li>- Transactions and agreements with third parties</li> </ul> </li> </ul>
<b>Finance Records</b>	<ul style="list-style-type: none"> <li>• Records for Alcon comprise: <ul style="list-style-type: none"> <li>- Vendor invoices</li> <li>- Remittance advices</li> <li>- Accounts receivable</li> <li>- Banking records</li> <li>- Management and monthly accounts, quarterly and annual financial statements</li> <li>- External audit reports and records</li> <li>- Annual budgets</li> <li>- Fixed asset register</li> <li>- Accounting policies and procedures</li> <li>- Benchmarking</li> </ul> </li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>- Guarantees, undertakings, subordinations, bonds and similar liabilities</li> <li>• Other records comprise: <ul style="list-style-type: none"> <li>- Medical scheme reports</li> <li>- Financial correspondence</li> </ul> </li> <li>• Operational Audit, Risk (including Insurance) and SOX</li> </ul>
<b>Mineral Resource Records</b>	<ul style="list-style-type: none"> <li>• Mineral Resources and Reserves reports, bulletins, memoranda and correspondence relating to Alcon, other areas and old exploration projects</li> <li>• Geographical and other information concerning: <ul style="list-style-type: none"> <li>- Surface boreholes drilled within Alcon</li> <li>- Stillwater mining lease areas</li> <li>- Exploration boreholes</li> </ul> </li> <li>• General mineral resource and reserve literature and plans: <ul style="list-style-type: none"> <li>- Competent Persons Report</li> <li>- Shareholder plans</li> <li>- Annual resource and reserve supplement</li> </ul> </li> </ul>
<b>Mining Rights / Property Records</b>	<ul style="list-style-type: none"> <li>• Agreements to which Alcon is party to, including asset acquisitions, disposals, exchanges, joint ventures, participations arrangements and confidentiality agreements</li> <li>• Records relating to: <ul style="list-style-type: none"> <li>- Bonds</li> <li>- Closure certificates</li> <li>- Mining claims</li> <li>- Mineral rights</li> <li>- Mineral leases</li> <li>- Mijnpacht titles</li> <li>- Tributing agreements</li> <li>- Real rights (rights to receive rentals in respect of mining title)</li> </ul> </li> </ul>



Category of records	Records
	<ul style="list-style-type: none"> <li>- Mining authorisations (licenses and permits)</li> <li>- Mining Rights</li> <li>- Mining Works Programme</li> <li>- Social and Labour Plan</li> <li>- Property leases (freehold farms and erven)</li> <li>- Owners reservations</li> <li>- Prospecting Rights</li> <li>- Prospecting Programme</li> <li>- Explorations Rights</li> <li>- Exploration Programme</li> <li>- Surface right permits (inclusive of trading sites and business grants)</li> <li>• General Permits: <ul style="list-style-type: none"> <li>- Water usage</li> <li>- Change of use of land</li> <li>- Land subdivision</li> <li>- Servitudes</li> <li>- Freehold properties</li> <li>- Freehold erven</li> </ul> </li> </ul>
<b>Legal Records</b>	<ul style="list-style-type: none"> <li>• Details of external counsel used by the company (locally and abroad)</li> <li>• Offshore company data sheets</li> <li>• Copies of agreements to which group companies are party to</li> <li>• List of current matters</li> <li>• Details of legal proceedings</li> <li>• General legal correspondence</li> </ul>
<b>Tax Records</b>	<ul style="list-style-type: none"> <li>• Tax returns as filed with the South African Revenue Services (“SARS”)</li> <li>• Correspondence with SARS on various issues – including objections to assessments, rulings obtained etc.</li> <li>• Documentation on tax advice and opinions obtained from external counsel</li> <li>• Documentation on “internal” matters of Alcon e.g. employees’ tax matters etc.</li> </ul>

Category of records	Records
<b>Corporate Finance Records</b>	<ul style="list-style-type: none"> <li>• Circulars and announcements of past Alcon transactions</li> <li>• Group valuation models</li> <li>• Dealings with professional advisors</li> <li>• External valuations</li> </ul>
<b>Secretariat Records</b>	<ul style="list-style-type: none"> <li>• Records relating to Alcon comprising: <ul style="list-style-type: none"> <li>- Memoranda of Incorporation</li> <li>- Equity structure details</li> <li>- Statutory compliance records</li> <li>- Manual of records</li> </ul> </li> <li>Shareholders records comprising: <ul style="list-style-type: none"> <li>- Correspondence and queries</li> <li>- Notices, circulars and minutes of general meetings</li> <li>- Share certificates and transfer forms</li> <li>- Offshore stock exchanges</li> <li>- Dividend declarations and announcements</li> <li>- American depository receipts programme</li> <li>- Share schemes</li> <li>- Correspondence with investors</li> <li>- Securities regulation panel dealings</li> <li>- Shareholders agreements</li> </ul> </li> <li>• Records concerning Directors and Officers comprising: <ul style="list-style-type: none"> <li>- Appointments, resignations and fees</li> <li>- Board and Committee meetings attendance</li> <li>- Group committees and terms of reference</li> <li>- Approval framework</li> </ul> </li> </ul>
<b>Information and Communication Technology Records</b>	<ul style="list-style-type: none"> <li>• Supply and maintenance contracts</li> <li>• Projects feasibility studies and proposals</li> <li>• Policies, standards and procedures</li> <li>• Internal reports and correspondence</li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>• ICT strategy plan</li> <li>• Audit reports pertaining to ICT</li> <li>• Project plans and project minutes</li> <li>• Software licensing agreements</li> </ul>
<b>Operations Records</b>	<ul style="list-style-type: none"> <li>• Current records concerning: <ul style="list-style-type: none"> <li>- Business plans</li> <li>- Capital projects</li> <li>- Administration and management of the operations</li> <li>- Health, safety and environmental</li> <li>- Operational reports</li> </ul> </li> <li>• Technical records: <ul style="list-style-type: none"> <li>- Metallurgy</li> <li>- Mineral resources</li> <li>- Electrical and mechanical engineering</li> </ul> </li> </ul>
<b>Other records</b>	<ul style="list-style-type: none"> <li>• Information relating to Alcon</li> <li>• Research information belonging to Alcon or carried out on behalf of a third party</li> </ul>

## 12. REQUEST PROCEDURE

### 12.1. Completion of the prescribed form

- 12.1.1. Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested. Please refer to Annexure A.
- 12.1.2. The completed form must be submitted to the Deputy Information Officer at the postal or physical address or electronic mail address set out in paragraph 5 above and pay a request fee and a deposit, where so advised.
- 12.1.3. The Prescribed Form C must include sufficient details to enable the Deputy Information Officer to identify:
- 12.1.3.1. the record or records requested
  - 12.1.3.2. the requester

- 12.1.3.3. the form of access required
  - 12.1.3.4. the e-mail, postal address or fax number of the requester
  - 12.1.3.5. whether the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- 12.1.4. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 12.1.5. A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.
- 12.1.6. POPIA provides that a data subject may, upon proof of identity, request Alcon to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. Such request must be made to Alcon on the form attached hereto as Annexure C.
- 12.1.7. POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Alcon must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.
- 12.1.8. Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.
- 12.1.9. POPIA provides that a data subject may object, at any time, to the processing of personal information by Alcon, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Annexure D and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.
- 12.1.10. A data subject may also request Alcon to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Alcon is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

12.1.11. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure E.

## **12.2. Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

Where the request is made on behalf of another person, the requestor must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requestor is making the request to the satisfaction of the Deputy Information Officer.

## **12.3. Payment of the prescribed fees**

12.3.1. Section 54 of PAIA entitles Alcon to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

12.3.2. There are two categories of fees which are payable:

12.3.2.1. The request fee: R50

12.3.2.2. The access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure B.

12.3.3. When the request is received by the Deputy Information Officer, the officer will by notice require the requester, other than a personal requester, to pay the regulated prescribed request fee (if any), before further processing of the request.

12.3.4. Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

12.3.5. A requester whose request for access to a record has been granted must pay an access fee for reproduction and for 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.

12.3.6. If a deposit has been paid for a request for access, which is refused, then the Deputy Information Officer must repay the deposit to the requester.

#### **12.4. Fees For Reproduction**

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records will be a fee for reproduction of the record in question.

The applicable fees payable are set out in Appendix B.

#### **12.5. Deposits**

Where Alcon receives a request for access to information held on a person other than the requester and the Deputy Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than six hours, a deposit is payable by the requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee (excluding VAT). See Appendix B.

#### **12.6. Collection of Fees**

Bank deposit is the only accepted payment method for PAIA requests. Banking details to be provided on request.

#### **12.7. Timelines for consideration of a request for access**

12.7.1. Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

12.7.2. The 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount of information, or the request requires a search for information held at another office of Alcon and the information cannot reasonably be obtained within the original 30 (thirty) day period.

12.7.3. Should an extension be given, Alcon will notify the requester in writing and will also provide the procedure involved should the requestor wish to apply to court against the extension. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

## **12.8. Grounds for refusal of access and protection of information**

- 12.8.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:
- 12.8.1.1. the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
  - 12.8.1.2. the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
  - 12.8.1.3. if disclosure would result in the breach of a duty of confidence owed to a third party;
  - 12.8.1.4. if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
  - 12.8.1.5. if the record was produced during legal proceedings, unless that legal privilege has been waived;
  - 12.8.1.6. if the record contains trade secrets, financial or sensitive information or any information that would put Alcon (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
  - 12.8.1.7. if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Alcon.
- 12.8.2. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- 12.8.3. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

13. **REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

- 13.1. If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 13.2. There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.
- 13.3. Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.



**ACCESS REQUEST FORM**

**Particulars of Alcon's Deputy Information Officer**

Requests can be submitted either via post, e-mail or fax and should be addressed to the Deputy Information Officer as indicated below:

**Deputy Information Officer:** \_\_\_\_\_

**Physical Address:** Novartis Building, Magwa Crescent West, Waterfall City, Jukskei View, 2090

**Postal Address:** PO Box 12257, Vorna Valley, 1686

**Telephone Number:** 011 840 2300

**E-mail:** [privacy@alcon.com](mailto:privacy@alcon.com)

---

**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 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 the request is made, when made on behalf of another person:**

---

**Particulars of person requesting access to the record (if a legal entity)**

- a) *The particulars of the entity 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 capacity in which the request is made, if applicable, must be attached.*

**Name of entity:**

**Registration number:**

**Postal address:**

**Fax number:**

**Telephone number:**

**E-mail address:**

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

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

**Full names and  
surname:**

**Identity number:**

**Particulars of record**

- a) *Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested.*
- b) *If the space provided is inadequate, please use a separate folio and attach it to this form. Please sign any additional folios.*

**Description of record or relevant part of the record:**

**Reference number (if available):**

**Any further particulars of record:**

**FEES**

- a) *A request for access to a record will be processed only after a request fee has been paid.*
- b) *You will be notified of the amount 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 of payment of fees:**

---

**FORM OF ACCESS TO RECORD**

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 under certain circumstances. In such a case you will be informed whether 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.

If the record is in written or printed form

	Copy of record		Inspection of record
If record consists of visual images			

	View the images		Copy of the images		Transcription of the images
If the record consists of recorded information that can be reproduced in sound					

	Listen to the soundtrack (audio)		Transcription of soundtrack
If the record is held on computer or in an electronic or machine-readable form (this includes photographs, slides, video recordings, computer generated images, sketches etc.)			

	Printed copy of record		Printed copy of information derived from the record		Copy in computer readable form
--	------------------------	--	---	--	--------------------------------

If you requested a copy or transcription of a record (above) do you wish the copy of transcription to be posted to you? Note that postage is payable.

Yes	No
-----	----

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 you prefer the record?

---

**In the event of a disability**

If you are prevented by a disability from reading, viewing or listening to the record, state your disability and indicate in the form in which the record is required:

**Disability**

**Form in which record is required**

---

---

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all folios*

**1. Indicate the right to be exercised or protected:**

---

---

**2. Explain why the record requested is required for the exercise or protection of the aforementioned right:**

---

**NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

*You will be notified in writing whether your request has been approved or 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..... on this ..... day of .....20....

---

SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE

PRINT NAME:

**YOU MUST**

- 1 Complete all necessary spaces
- 2 Sign the access request form Sign
- 3 Sign additional folios completed

**SEND WITH THIS APPLICATION**

- 1 The request fee
- 2 Any additional folios completed
- 3 Copy of Identity Document

**Annexure B FEES IN RESPECT OF PRIVATE BODIES**

Description		ZAR
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
2	<b>The fees for reproduction referred to in regulation 11(1) are as follows:</b>	
(a)	For every photocopy of an A4-size page or part thereof	1,10
(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)	<b>For a copy in a computer-readable form on -</b>	
(i)	stiffy disc	7,50
(ii)	compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
4	<b>The access fees payable by a requester referred to in regulation 11(3) are as follows:</b>	
4.1(a)	For every photocopy of an A4-size page or part thereof	1,10
(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)	<b>For a copy in a computer-readable form on -</b>	
(i)	stiffy disc	7,50
(ii)	compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00

Description		ZAR
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
4.2	<b>For purposes of section 54(2) of the Act, the following applies:</b>	
(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.	
4.3	<b>The actual postage is payable when a copy of a record must be posted to a requester.</b>	



**Annexure C POPIA DATA SUBJECT ACCESS REQUEST FORM**

**Request Form**

Under section 23 of the Protection of Personal Information Act, 2013

If request is for **access to or copies of** your own personal information records:

Last name appearing on records:  same as below, or: \_\_\_\_\_

Mr.  Mrs.  Ms.  Miss

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Middle Name: \_\_\_\_\_

Address: (Street/Apt. No./P.O. Box.) \_\_\_\_\_

City/Town: \_\_\_\_\_

Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone Number (Day): (    ) \_\_\_\_\_

Telephone Number (Evening): (    ) \_\_\_\_\_

**Particulars of Alcon's Deputy Information Officer**

Requests can be submitted either via post, e-mail or fax and should be addressed to the Deputy Information Officer as indicated below:

**Deputy Information Officer:** \_\_\_\_\_

**Physical Address:** Novartis Building, Magwa Crescent West, Waterfall City, Jukskei View, 2090

**Postal Address:** PO Box 12257, Vorna Valley, 1686

**Telephone Number:** 011 840 2300

**E-mail:** [privacy@alcon.com](mailto:privacy@alcon.com)

Detailed description of requested records and/or personal information. (If you are requesting access to your personal information, please identify the personal information record containing the person information, if known.)


**Preferred method of access to records:**  Examine Original  Receive Copy

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Responsible Party Use

Date Received:	Request Number:	Comments
----------------	-----------------	----------

Personal Information contained on this form is collected pursuant to the Protection of Personal Information Act, 2013 and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Information Officer at the contact details set out above.

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (     )
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>

Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)</b> <i>(Please provide detailed reasons for the objection)</i>

Signed at ..... this ..... day of .....20.....

.....

*Signature of data subject/designated person*

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

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an “x”.

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	

	Code (     )
Contact number(s):	
Fax number/E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (     )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a)</b>
	<b>WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE</b>

**RESPONSIBLE PARTY ; and or**

**REASONS FOR \*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b)**

**WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.**

*(Please provide detailed reasons for the request)*


Signed at ..... this ..... day of .....20.....

.....

*Signature of data subject/ designated person*