

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL OF AIR LIQUIDE PROPRIETARY LIMITED

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”) and the Protection of Personal Information Act, 2013 (Act no 4 of 2013). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and/or held by a private person or entity where such information is required to protect a requester’s rights.

LIST OF ACRONYMS AND ABBREVIATIONS

“GUIDE”	A guide updated and published by the Information Regulator from time to time containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this act.
“PAIA”	Promotion of Access to Information Act 02 of 2000
“POPI”	Protection of Personal Information Act 04 of 2013
“Republic”	Republic of South Africa

OVERVIEW

Company is **Air Liquide Proprietary Limited**, a Company in terms of the provisions of the Companies Act, 2008.

This manual serves to inform members of the public of:

- the subjects on which we hold records and the categories of records held on each subject and the description of the categories of data subjects and of the information or categories of information relating thereto;
- the categories of information we hold, that are available without having to submit a PAIA request
- How to request access to records we hold, and which may, subject to the grounds of refusal authorised in the Act, be disclosed after evaluation of an request for access application being made in terms of the Act
- Records we hold which are available in terms of any other legislation
- Contact details of our Information Office
- the Guide and how to access it and how to use PAIA.
- Whether we will process personal information and our purpose of processing such personal information
- The recipients or categories of recipients to whom the personal information may be supplied
- Whether or not we planned transfer of personal information outside the Republic
- The description of the security measures we have in place to secure the personal information we process.

AVAILABILITY OF THIS MANUAL

A copy of this manual is available -

- At our reception desk at our Head Office at *C/o Vereeniging and Andre Marais streets, Alrode, 1451*.
- On request from our Information Officer, details below.
- On our website: <https://www.airliquide.com/south-africa>

UPDATING OF THE MANUAL

This Manual will be updated from time to time, as and when required and as legislation changes.

OUR INFORMATION OFFICER

Our Information Officer is: Nkululeko Magadla, Chief Executive Officer
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Telephone: +27 (0)87 288 1100
Email: Provide general contact email address for the organisation
Website: <https://www.airliquide.com/south-africa>

HOW TO REQUEST ACCESS TO RECORDS HELD BY AIR LIQUIDE PROPRIETARY LIMITED,

Requests for access to records held by the Scheme must be made on the request form that are attached to this Manual or available from our website: <https://www.airliquide.com/south-africa> OR *Head Office: C/o Vereeniging and Andre Marais streets, Alrode, 1451*, OR contact number: **087 288 1100** also attached hereto as **Form 2**, (“Request Form”).

When a record is requested, the following will apply:

- Fees may be payable as prescribed by the PAIA Regulations.
- The Request Form must be completed by the Requester.
- **On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information and WHY access to the information is required.**
- If the requester is acting on behalf of someone else, the signature of the other person as the one who has authorised the request, must be provided. In order to verify this, the Company may require further proof such as an identity document or may call the person whose information it is to verify that s/he has given permission for the other person to access the information on his/her behalf.
- The requester must state in which format (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the requester will only be able to access the part(s) that pertains to the information s/he wants or is entitled to, and not the rest of the record.
- The Request will be acknowledged.
- An answer will be provided within 30 days, and if not granted, state the reasons for the denial with reference to the specific provisions in the Act.
- If the Requester is not satisfied, s/he may approach the courts within 30 days after the full or partial denial of access to the records.

THE GUIDE ISSUED BY THE INFORMATION REGULATOR: HOW THE PROMOTION OF ACCESS TO INFORMATION ACT WORKS

Section 50 of the Act provides that a requester may be provided access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, to access to a record of a private body for the exercise or protection of any rights, other than its rights, it must be acting in the public interest.

Requests under the Act must be made in terms of the procedures prescribed by the Act, at the rates provided.

For further information on the Act and how it works, a Guide developed by the Human Rights Commission and to be updated from time to time by the Information Regulator will be published by the Information Regulator from time to time. The Guide can be:

- requested from the Information Officer and is available for inspection or copying during normal office hours in the languages it publishes it;
- obtained from the website of the Information Regulator on <https://www.justice.gov.za/inforeg/> or inspected and/or copied during normal working hours.

The Guide contains a description of, among others:

- the objects of PAIA and POPIA;
- the postal and street address, phone and fax number and, if available, electronic mail address of:
 - o the Information Officer of every public body, and
 - o every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- the assistance available from the Regulator in terms of PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - o a complaint to the Regulator; and
 - o an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- the regulations made in terms of section 92, which provide that the Minister may by Gazette make certain regulations, including matters related to fees.

VOLUNTARY DISCLOSURE

The following information is made known automatically on the Company's website and persons do not have to fill out a form to request such information:

- The Company's business, product or service offering in respect of its various business units
- Published employment vacancies
- The Company's Group publications including the Group's OnAir Magazine.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of the following legislation, subject to conditions set by such laws. As legislation changes from time to time, and new laws may stipulate new matters and extend the scope of access by persons specified in such entities, this list should be read as not being a final and complete list.

Category of Records	Applicable Legislation
Memorandum of incorporation, shareholders agreement, share offers and sale agreements, minute books, etc.	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Financial and staff records	Income Tax Act 58 of 1962
VAT invoices	Value Added Tax Act 89 of 1991
Information that must be disclosed to employees under the LRA	Labour Relations Act 66 of 1995
Leave, overtime,	Basic Conditions of Employment Act 75 of 1997
All employment policies and practices and its analyses,	Employment Equity Act 55 of 1998
Training plans and records	Skills Development- and Skills Development Levies Act 9 of 1999
Submissions and reports	Unemployment Insurance Act 63 of 2001
Claims and reports to the Compensation Fund	Compensation for Occupational Injuries and Disease Act 130 of 1993
Occupational Health and Safety committee records, Health and Safety Officer records.	Occupational Health and Safety Act of 85 of 1993
Electronic records (emails, agreements, financial records)	Electronic Communications and Transactions Act 25 of 2002
All records pertaining to direct consumer interactions or directed to the public as potential consumers	Consumer Protection Act 68 of 2008
Records as required under the BBBEE Codes	Broad-based Black Economic Empowerment Act 53 of 2003
Credit records	National Credit Act 34 of 2005
POPI Gap Analysis, POPI Framework/Policy, consents to processing, Data retention, archiving and destruction policy	Protection of Personal Information Act 4 of 2013
Consents, permits, reports by OHSACT	National Health Act 61 of 2003
Submissions, permits, reports, correspondence	Medicines and Related Substances Act 101 of 1965
Consents	Children's Act 38 of 2005
Consents and interactions with facilities	Mental Healthcare Act 17 of 2002
Consents and records	Choice on Termination of Pregnancy Act 92 of 1996
Consents and records	Sterilisation Act 44 of 1998
Registrations and compliance records	Health Professions Act 56 of 1974
Registrations and compliance records	Pharmacy Act 53 of 1974
Registrations and compliance records	Nursing Act 33 of 2005
Claims, negotiation records	Medical Schemes Act 181 of 1998
Information submitted to- or requested by the Competition Commission, Health Market Inquiry.	Competition Act 89 of 1998

RECORDS HELD BY AIR LIQUIDE PROPRIETARY LIMITED AND RELATED CATEGORIES OF DATA SUBJECTS

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records**, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Internal records relating to our business as a Company, which includes our founding and other documents (e.g. registration as a Company), minutes and policies; annual and other reports; financial records; claims records; reimbursement records; records submitted to the CMS; scheme application forms, appeals and complaints / disputes; operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal

correspondence; statutory records; insurance policies and records; records relating to the Trustees and the Principal Officer; etc.

Personnel (employee) records, which includes records of temporary/fixed term/part-time/permanent employees, locums, associates, contractors, partners, directors (executive and non-executive). Records include personal files, records third parties have provided to us about their / our staff; employment contracts, conditions of employment; workplace policies; disciplinary records; termination records; minutes of staff meetings; performance management records and systems and all employment-related correspondence.

Health records, which includes motivations, chronic forms, etc; client/patient lists; medical reports; funding records; consents; needs assessments; financial and accounts information; research information; actuarial information; profiling; and similar information. **It must be noted that, in the health sector, personal-, health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.**

Supplier and service provider records, which includes supplier registrations; contracts; confidentiality agreements and non-disclosure agreements, communications; logs; delivery records; commissioned work; and similar information, some of which might be provided to us by such suppliers and providers under service- and other contacts.

SAHPRA and Technical records, which includes applications, approvals, updates on products and licences, manuals, logs, electronic and cached information, health professional council / statutory body records, approvals, conditions and requirements, trade association information and similar product information.

Third party information, which may be in our possession, but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

Environment and market information, which include information bought; publicly available information; commissioned information which pertains to the specific sector and market of our business and factors that affect the business; information relating to the professional and healthcare environment.

CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION

We may share relevant personal information with our Operators who provide services to parts of our business and may have to supply personal information to entities authorised to receive, request and process such information:

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Patient details, healthcare provider details	SAHPRA, HPCSA, SAPC, SANC
Credit and payment history, for credit information	Credit Bureaus, NCR
For CPD and training accreditation purposes	HPCSA, SAPC, SANC
Adverse event reports, quality complaints	SAHPRA
Race, gender, nationality of staff and others	BEE Consulting and Rating Agencies
Claims / invoices	to insurers / medical schemes / RAF / Compensation Fund

PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Company uses servers and systems that are based in South Africa for some of the personal information that it processes. The Company has entered into agreements with other subsidiaries and the global entity, an IntraGroup Agreement on Binding Corporate Rules. Where personal information is processed by the global entity or other subsidiaries, those entities are complying with rules that are similar to the POPI Act. Certain employee information and procurement insofar as it involves personal information is thus shared.

PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

The purpose of processing the information contained in the records listed above, is:

In relation to **the business/internal records**: For good corporate governance and to comply with business-, financial-, Companies- and tax legislation.

In relation to **Employees**: for retention of employment records as legislated and execution of employer/employee agreements and labour legislation.

In relation to **Suppliers and Service Providers**: for record retention as legislated and for the execution of the supplier- and service level agreements.

THE SUITABILITY OF THE INFORMATION SECURITY MEASURES

The Company stores information electronically and physically as follows:

- Physical records are kept in accordance with paragraph 9 of the Company's POPI Policy as well as the Company's Document Retention Policy, and access is controlled by duly authorised heads of departments or prescribed officers.
- There is an alarm system as well as a fire alarm system installed in the Company's respective buildings.
- Copies of records are kept either in fireproof safes, locked cupboards or with archiving and/or storage service providers in accordance with services agreements entered by and between the Company and the respective service provider.
- Electronic records are kept in accordance with paragraph 7 of the Company's POPI Policy as well as the Company's IT standards¹ on *shared drives, cloud storage, office computers which are password protected, with software regularly updated to protect against hacking, unauthorised access, tampering and the likes.*
- Staff are trained to avoid behaviours and practices that could place records at risk and on good practice that would keep electronic information reasonably secure.
- Records are from time archived in a three year cycle via a third party secure archiving facility.
- Retention and destruction takes place in terms of the Scheme's Document Retention and Destruction Policy.

¹ which include but are not limited to policies on Digital Solutions and Cloud Infrastructure, Digital Security, Digital Protection, Computer Management, Passwords, Internet and Network Access, Anti Virus, Digital Access Management, Backup, etc .

PRESCRIBED FEES

The following applies the request other than personal requests:

- The requestor is required to pay the prescribed request fee of R140 before the request will be considered.
- A requestor will be notified if the search and the preparation of the record requested in the opinion of our Information Officer requires more than the prescribed 6 (six) hours, and a deposit of not more than one third of the access fee which would be payable if the access was granted, shall be payable.
- that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee or the tender or payment of a deposit, as the case may be.
- Records may be withheld until fees have been paid.
- Prescribed fees will be charged for reproduction of an automatically or voluntarily available record.
- The latest fee structure is available on the website of the Information Regulator and attached hereto as

Annexure B.

OUTCOME OF REQUEST AND COMPLAINTS

- If the Requester is not satisfied, s/he may lodge a complaint to the Information Regulator in terms of the prescribed form or an application with a court within 30 days after the full or partial denial of access to the records.
- Note that the principle of severability may apply, i.e. information that is protected from disclosure (e.g. third party confidential information, business financial information, etc.) may be redacted or removed from the copy of the record.

This manual is signed by NKULULEKO MAGADLA on 30th day of JUNE 2021.

Signature: Information Officer

ANNEXURE A: FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

Note:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO:

The information officer

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

(Address)

E-mail address:

Fax number:

Mark with an "X"

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

PERSONAL INFORMATION			
Full names:			
Identity number:			
Capacity in which request is made <i>(when made on behalf of another person)</i> :			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile :
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity number:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular:		

Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>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</i>)	

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

FEES

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason:	

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

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at this day of 20

.....
Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (state rank, name and surname of information officer)	
Date received:	
Access fees:	
Deposit (if any):	

.....
Signature of information officer

Annexure B: Fees
Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of:	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.