Dis-Chem

Better health starts here

PAIA and POPIA Manual

Dis-Chem Pharmacies (Ltd)

("Dis-Chem")
Registration number 2005/009766/06

And its subsidiaries

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000

As amended ("PAIA")

And

The Protection of Personal Information Act No.4 of 2013 as amended ("POPIA")

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1. Introduction

The Promotion of Access to Information Act, 2000 ("PAIA" / "the Act") gives effect to section 32 of the Constitution of the Republic of South Africa 1996, which provides that everyone has the right of access to information.

Section 51 of the Act requires that all private bodies (as Dis-Chem is defined) prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies' records.

2. Company Information and Contact Details of the Information Officer

The details of the Company are as follows:

Full name	Dis-Chem Pharmacies Ltd
Registration number	2005/009766/06
Physical address	23 Stag Road Glen Austin Midrand 1685
Postal address	Private Bag X21 Northriding 2162
Email address	careline@dischem.co.za
Telephone number	(010) 589 2200

The responsibility for administration of, and compliance with, PAIA and POPIA have been delegated to the Information Officer. Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

Information Officer	Darren Epstein
Physical address	23 Stag Road Glen Austin Midrand 1685
Postal address	Private Bag X21 Northriding 2162
Email address	popia@dischem.co.za

3. Guide on how to use PAIA and how to obtain access to the Guide

3.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

3.2 The Guide is available in each of the official languages and in braille.

3.3 The aforesaid Guide contains the description of:

3.3.1 the objects of PAIA and POPIA;

3.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of:

3.3.2.1 the Information Officer of every public body, and

3.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

3.3.3 the manner and form of a request for:

3.3.3.1 access to a record of a public body contemplated in section 11; and

3.3.3.2 access to a record of a private body contemplated in section 50;

3.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;

3.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

3.3.6 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:

3.3.6.1 An internal appeal;

3.3.6.2 A complaint to the Regulator; and

3.3.6.3 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;

3.3.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

3.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

3.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

3.3.10 the regulations made in terms of section 92.

3.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

3.5 The Guide can also be obtained-:

3.5.1 upon request to the Information Officer;

3.5.2 from the website of the Regulator https://inforegulator.org.za/training/wp/paia-guidelines/

3.6 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours:

3.6.1 English, Zulu and Afrikaans.

4. Access to Records held by Company

4.1 Categories of records which are available without a person having to request access

Dis-Chem have opted not to compile a notice in terms of section 52 of PAIA since this is voluntary for private bodies.

4.2 Description of the records which are available in accordance with any other legislation

The below listed are some of the applicable legislation and is not exhaustive:

Applicable Legislation	Category of Records
Basic Conditions of Employment Act 57 of 1997	• Each employee's name and occupation • Time worked by each employee • Remuneration paid to each employee • All other records required by the Act.

Applicable Legislation	Category of Records
Broad-based Black Economic Empowerment Act 53 of 2003	B-BEE Certificate and other records and codes.
Companies Act 71 of 2008	• Documents of Incorporation • Memorandum of Incorporation • Minute books, general and special resolutions passed at any meeting of Shareholders of the Company or any class of Shareholders • Register of Members / Shareholders / Directors / Company Secretary / Public Officers • Annual Financial Statements • All other records required by the Act
Compensation for Occupational Injuries and Diseases Act 130 of 1993	The register or other record of the earnings and other prescribed particulars of all employees, for example, wages paid, time worked and payment made for piecework and overtime
Competition Act 89 of 1998	• Financial records • Corporate records • Contracts and agreements • Marketing and sale records • Employee records

Applicable Legislation	Category of Records
Consumer Protection Act 68 of 2008	• Transaction records • Product information • Contracts and agreements • Marketing and advertising records • Complaint and resolution records
Electronic Communications and Transactions Act 25 of 2002	• Electronic transaction records • Contracts and agreements • Communication records • Security and authentication records • Intellectual property records

Applicable Legislation	Category of Records
Employment Equity Act 55 of 1998	• Employment Equity Plan • Workforce Profile • All other records required by the Act
Financial Intelligence Centre Act 38 of 2001	• Client identification and verification records • Transaction records • Employee training records • Account records • Internal and external audit records
Foodstuffs, Cosmetics and Disinfectant Act, No. 54 of 1972	• Product information and specifications • Quality control and testing records
	• Packaging and labelling records • Recall and complaint records
Hazardous Substances Act, No. 15 of 1973	• Product information • Storage and handling records • Waste disposal records
Health Act No. 63 of 1977	• Health and safety policies • Workplace safety records • Training records
Income Tax Act 58 of 1962	• All ledgers, cash books, journals, cheque books, bank statements, deposit slips, pay cheques, invoices, stock lists and all other books of account • Signed copy of Annual Financial Statements • Books of Account recording information required by the Companies Act • Invoices - issued and received • All other records required by the Act
Labour Relations Act 66 of 1995	• All records required in compliance with any collective agreement, arbitration award or determination

Applicable Legislation	Category of Records
	• All records of the prescribed details of any strike, lock-out or protest action involving the Company's employees • All disciplinary records • All other records required by the Act
Nursing Act, No. 33 of 2005	• Registration and licensing records • Qualification and training records • Clinical records
Occupational Health and Safety Act 85 of 1993	• A copy of the Act • An incident register certificate of compliance (in respect of all electrical installations) • First Aid certificate (valid for 3 years) • Refrigeration / air-conditioning record book • All other records required by the Act
Pharmacy Act, 53 of 1974	• Pharmacy registration and licensing records • Prescription and dispensing records • Medication inventory and control records • Training records • Confidentiality records • Policies and procedures
Promotion of Access to Information Act 2 of 2000	PAIA Manual
Protection of Personal Information Act 4 of 2013	• Data processing records • Privacy policies and notices • Data breach incident records • Retention records • Training records • Consent records • Data processing agreements

Applicable Legislation	Category of Records
Skills Development Act 97 of 1998	• Annual training reports and the annual training plan. • All other records required by the Act
Skills Development Levy Act 9 of 1999	• Training records • Training plans and reports • Employment equity plans and reports • Learnership records • Employee records
Trade Marks Act 194 of 1993	• Trademark registration records • Trademark renewal records • Trademark assignment and licensing records
Unemployment Insurance Act 30 of 1966	Records detailing the contributions employed by the employer in respect of earnings paid, time worked, payments made for piece work and overtime
Value Added Tax Act 89 of 1991	• Books of account documents recording the supply of goods to or by the vendor • Invoices • Tax invoices • Credit and debit notes • Bank statements • Deposit slips • Stock lists • Paid cheques • All other records required by the Act

4.3 Description of the subject on which the body holds records and categories of records held on each subject

Subjects on which the body holds records	Categories of records
Company	• Documents of Incorporation • Memorandum of Incorporation • Minute books, general and special resolutions passed at any meeting of Shareholders of the Company or any class of Shareholders • Register of Members / Shareholders / Directors / Company Secretary / Public Officers • Annual Financial Statements
Customer	Customer records
Financial	• Accounting records • Tax records • Insurance records • Auditors' reports • Interim and annual financial statements
Human Resources	• HR policies and procedures • Employee records • Recruitment • Advertised posts
Occupational Health and Safety	• OHS policies, procedures and guidelines
Suppliers	• Supplier lists and details of suppliers • Agreements with suppliers

5. Request Process

Records held Dis-Chem may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of Dis-Chem.

Requests for access to records held by Dis-Chem must be made by the requester using the prescribed Form 2: Request for Access to Record, available on the Information Regulator website https://inforegulator.org.za. Such request must be

made to the Information Officer at the address, or email address provided for in clause 2 above. In lodging the request, the requester must:

- provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
- indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic;
- indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed;
- identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right;
- if a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer;
- if a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer;
- if an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer;
- if access is requested to a record that contains information about a third party, Dis-Chem is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied;
- in the event of the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not; and
- the Information Officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

6. Availability of the Manual

6.1 A copy of the Manual is available-

6.1.1 on https://www.dischem.co.za if any;

6.1.2 head office of Dis-Chem for public inspection during normal business hours;

6.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

6.1.4 to the Information Regulator upon request.

7. Grounds for Refusal to Access Records

Access to certain records may be or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include but are not limited to:

- privileged information
- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
- Information privileged from production in legal proceedings; Commercial information of Dis-Chem; and
- Research information.

If Dis-Chem cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requester will receive a notice in this regard from the Information Officer, setting out the measures taken to locate the document and accordingly the inability to locate the document.

Requests for information that are clearly frivolous or vexatious, or which involved an unreasonable diversion of resources shall be refused.

8. Protection of Personal Information Act

The purpose of the Protection of Personal Information Act (POPIA) is to promote the protection of personal information of individuals and businesses and to give effect to their right of privacy as provided for in the Constitution.

Dis-Chem needs personal information relating to both individual and juristic persons in order to carry out its business, organisational functions and meet its legal requirements. The manner in which this information is processed and the purpose for which it is processed is determined by Dis-Chem. Dis-Chem is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- Is processed lawfully, fairly and transparently;
- Is processed only for the purposes it was collected;
- Will not be processed for a secondary purpose unless that processing is compatible with the original purpose; Is accurate; and
- Is not excessive for the purpose for which it was collected.

8.1 Purpose

Dis-Chem will only process personal information that, inter alia:

- Is necessary to enable us to provide our various products and services;
- Is necessary conclusion and management of various contracts;
- Is necessary for legal and compliance requirements;
- Is necessary to protect the legitimate interests of the Company or data subject;
- Is necessary for marketing requirements; and
- Is necessary for recruitment and general employee management.

8.2 Categories of Data Subjects

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status and bank details, contact details, employment status and financial details, rewards membership information, employment information
Employees	Names, identity numbers address, qualifications, gender, health/medical, race, religion, children, spouse and family, beneficiaries, medical, criminal, financial, employment history, trade union membership, opinions and views, credit, curriculum vitae, biometric
Contractors, service providers and suppliers	Names, registration number, vat numbers, address, trade secrets and bank details
Directors and shareholders	Names, addresses, identity numbers, registration numbers, employment status, BBBEE information and banking details, income tax numbers, email addresses, telephone and cell phone numbers, physical addresses, postal addresses and gender.

The above list is non-exhaustive.

8.3 Cross Border Transfers

Dis-Chem does not generally do cross border information transfers.

However, in the unlikely event that cross border transfer of personal information is necessary and/or unavoidable, Dis-Chem shall ensure that the data protection and privacy laws of such countries to which personal information is transferred, are similar to the legislation in South Africa, and that the recipients of the personal information commit to the same standard of data protection as that which Dis-Chem has committed to.

8.4 Recipients of Personal Information

Category of Personal Information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information	Credit Bureaus
BBBEE (shareholders and suppliers)	BBBEE assessment or verification agency
Identity number and names, for criminal checks	South African Police Services
Particulars of members for administration of medical aid schemes and related products.	Medical Schemes
Information as legally required	Group Companies and Affiliates

The above list is non-exhaustive.

8.5 Information Security Measures

We have implemented reasonable technical and organisational measures to ensure the safety of all information. These measures include:

- Physical security measures
- Access control measures
- Encryption measures
- Cyber security measures
- Anti-virus measures
- Security firewalls
- Password control
- Employee training and awareness
- Policies