

## BFC PHARMA PAIA MANUAL

Manual prepared in accordance with Section 51 of The Promotion of Access to Information Act, 2000 ("The Act") for BFC Pharma ("The Company").

### 1. Introduction

- 1.1 The aim of this manual is to facilitate requests for access to records of the company as provided for in the Act.
- 1.2 Insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail.
- 1.3 This manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with BFC Pharma.

### 2. Overview of BFC Pharma

BFC Pharma delivers holistic vitamin, mineral, omega and probiotic solutions for all individuals.

### 3. Information required in terms of section 51(1)(a) of the act

Registered company name	Best Family Choice Pharmaceuticals cc
Registration number	2004/050855/23
Registered address	189 Stephen Dlamini Road, Musgrave, Durban, 4001
Physical address	189 Stephen Dlamini Road, Musgrave, Durban, 4001
Postal address	Same as Above
Telephone number	031 100 0154
Managing Director	Craig Duff
Information Officer	Lennard Korsten

### 4. Section 10 Guide

The Act requires the South African Human Rights Commission ("SAHRC") to compile a guide to be available in each official language, to assist individuals in understanding how to exercise their rights contained in the Act. Any queries regarding this guide can be addressed directly to the SAHRC at:

The South African Human Rights Commission PAIA Unit  
The Research and Development Department  
Braampark Forum 3,  
33 Hoofd Street,  
Braamfontein

Private Bag x 2700,  
Houghton, 2041  
Tel: +27 11 484 8300  
Fax: + 27 11 484 0582  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### 5. Categories of data subjects and the information BFC Pharma may collect

#### 5.1 Employees:

- name and contact details;

- identity number and identity documents including passports;
- ethnic group;
- gender;
- employment history and references;
- banking and financial details;
- details of payments to third parties (deductions from salary);
- employment contracts;
- employment equity plans and reports;
- medical aid records;
- pension Fund records;
- remuneration/salary records;
- performance appraisals;
- disciplinary records;
- leave records;
- training records.

#### 5.2 Prospective employees:

- postal and/or street address;
- title and name;
- identity or passport number;
- contact numbers and/or e-mail address;
- ethnic group;
- employment history;
- educational qualifications;
- age;
- gender;
- marital status;
- nationality;
- language;
- financial information;
- identity or passport number.

#### 5.3 Website users:

- demographic region;
- name;
- contact numbers and/or e-mail address;
- browsing habits and click patterns on the website;
- other information not specified, reasonably required to manage the website.

#### 5.4 Prospective clients:

- name and contact details;
- information about products or services;
- other information not specified, reasonably required to be processed for business operations.

#### 5.5 Clients / vendors / suppliers / other businesses:

- name and contact details;
- identity and/or company information and directors' information;
- banking and financial information;
- information about products or services;
- other information not specified, reasonably required to be processed for business operations.

## 6. Purpose of processing personal information for each category of data subject

### 6.1. For employees:

- general matters relating to employees

- pension;
- medical aid;
- payroll;
- disciplinary action;
- training;
- complying with companies regulatory and other obligations;
- any other reasonably required purpose relating to the employment or possible employment relationship.

**6.2. For prospective employees:**

- verification of applicant employees' information during recruitment process;
- any other reasonably required purpose relating to the possible employment relationship.

**6.3. Website users:**

- performing duties in terms of any agreement with users
- communicating (including direct marketing) with users by email, SMS, telephone or in any other way about the company and/or our client's services, unless users indicate otherwise
- to form a view of users as individuals and to identify, develop or improve products, that may be of interest to users
- carrying out market research, business and statistical analysis
- performing other administrative and operational purposes including the testing of systems
- complying with the companies regulatory and other obligations
- any other reasonably required purpose relating to the company's business.

**6.4. For clients / prospective clients:**

- operate and manage consumers' accounts and manage any application, agreement or correspondence clients / prospective clients may have with the company.
- make, or assist in making, credit decisions about consumers
- verifying and updating information
- facilitating payments due from clients to the company.
- recovering any debt clients may owe the company.
- communicating (including direct marketing) with clients / prospective clients by email, SMS, letter, telephone or in any other way about the company and/or our client's services, unless they indicate otherwise
- complying with the companies regulatory and other obligations; and
- any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the company's business.

**6.5 For vendors / suppliers / other businesses:**

- verifying information and performing checks
- purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- payment of invoices;
- complying with the companies regulatory and other obligations; and
- any other reasonably required purpose relating to the company's business.

**7. Recipients or categories of recipients to whom the personal information may be supplied:**

- any firm, organisation or person that the company uses to provide a service on its behalf;
- any firm, organisation or person that/who provides the company with products or services;
- any person who the company has reason to believe to be a data subject's parent, carer or helper where he/she is unable to handle his/her own affairs because of mental incapacity or other similar issues;
- any financial system the company uses;
- regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the company has a duty to share information;

- third parties to whom payments are made on behalf of employees;
- financial institutions from whom payments are received on behalf of data subjects;
- any other operator not specified;
- employees, contractors and temporary staff; and
- agents.

**8. Planned cross border flows of personal information:**

- storing information electronically; and
- making use of third-party service providers to fulfil a business function on behalf of BFC Pharma.

**9. Records are kept in terms of the following legislation**

- Basic Conditions of Employment Act 75 of 1997;
- Labour Relations Act 66 of 1995;
- Unemployment Insurance Act 63 of 2001;
- Unemployment Insurance Contributions Act 4 of 2002;
- Broad-Based Black Economic Empowerment Act 53 of 2003;
- Employment Equity Act 55 of 1998;
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Occupational Health and Safety Act 85 of 1993;
- Copyright Act 98 of 1978;
- Trade Marks Act 194 of 1993;
- Intellectual Property Laws Amendments Act 38 of 1997;
- Electronic Communications and Transactions Act 25 of 2002;
- Electronic Communications Act, 36 of 2005;
- Income Tax Act 58 of 1962;
- Tax Administration Act 28 of 2011;
- Tax Administration Laws Amendment Act 44 of 2014;
- Value Added Tax Act 89 of 1991;
- Pension Fund Act 24 of 1956;
- Protection of Personal Information Act 4 of 2013;
- Promotion of Access to Information Act 2 of 2000;
- Skill Development Levies Act 9 of 1999;
- Skills Development Act 97 of 1998;
- Such other legislation as may from time to time be applicable.

**10. Notice in terms of section 51(1)(c)**

No notice has been published to date in terms of Section 51(1)(c) of the Act.

**11. Records held by BFC Pharma in terms of section 51(1)(e)**

**Statutory**

- Memoranda of Incorporation
- company registers
- statutory records and returns
- agreements
- trademarks
- title deeds
- admin, finance and accounting records
- policies and procedures
- banking details and bank statements
- financial Statements
- income Tax

## **Human Resources**

- policies and procedures
- employment equity plans
- pension and provident fund details
- skills development plans and reports
- records and reports

## **Operations**

- permits, licenses, consents, approvals, authorisations, applications and registrations
- policies and procedures
- reports and supporting documentation
- contractor, client and supplier agreements and information
- environmental, health and safety records

## **Information technology**

- System documentation and manuals
- Project, disaster recovery and implementation plans

Note that the accessibility of the records may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to the normal requirements, before the company will consider access. Furthermore, it should be noted that not all records are maintained at a head office level and would need to be sourced from the applicable division/business within the permitted response time.

## **12. Procedure for request for access (Sections 53 to 57 and 60 of the Act)**

- 12.1. To request a document that does fall within the ambit of the Act, the requester must complete the prescribed form as set out in Annexure A (form C) hereto and submit same to the Information Officer via the contact details listed under B above.
- 12.2. The prescribed form must be completed with sufficient detail to enable the Information Officer to clearly identify the record/s requested, the requester's identity and which form of access to the records is required, should the request be granted. The requester must explain what other right is being protected or exercised.
- 12.3. If the request is being made on behalf of another person, the requester must submit proof, to the satisfaction of the Information Officer, of the capacity in which they are making the request.
- 12.4. The Information Officer will process the request and notify the requester of its decision whether or not the request has been granted. Should the request be granted, the notice will state the access fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. A copy of the fee structure applicable to public and private bodies can be accessed on [www.sahc.org.za](http://www.sahc.org.za).
- 12.5. Should the request be refused, the notice will state adequate reasons for the refusal.

## **13. Records not found or non-existent**

If the company has searched for a record and believe that it either does not exist or cannot be found, the company will notify the requester by way of an affidavit or affirmation that it is not possible to provide access to the requested record due to its inability to locate it. The company will also provide the requester with details on the steps that were taken to try to locate the record and will confirm to the requester that, if at a later stage the record is located, the company will grant the requester access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Act.

## **14. Grounds for refusal of access to records (Sections 63 to 69 of the Act and the Protection of Personal Information Act No. 4 of 2013)**

- 14.1. Access to certain records may be or must be denied on the grounds set out in the Act. This includes:
  - 14.1.1. mandatory protection of privacy of a third party who is a natural person;
  - 14.1.2. mandatory protection of commercial information of third party;
  - 14.1.3. mandatory protection of certain confidential information of third party;
  - 14.1.4. mandatory protection of safety of individuals, and protection of property;

- 14.1.5. mandatory protection of records privileged from production in legal proceedings;
- 14.1.6. commercial information of private body;
- 14.1.7. mandatory protection of research information of third party, and protection of research information of privacy body.

**15. Availability of the manual**

Copies of this manual are available for inspection, free of charge, at the registered offices of BFC Pharma and on our website (<https://www.bfcpharma.co.za/>).

# ANNEXURE A

## REQUEST FOR ACCESS TO THE RECORD OF A PRIVATE BODY

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

### [Regulation 10]

#### FORM C

##### A. Particulars of private body

The Head: \_\_\_\_\_

##### B. Particulars of person requesting access to the record

- |   |
|---|
| <p>a) The particulars of the person who requests access to the record must be given below.<br/>b) The address and/or fax number in the Republic to which the information is to be sent must be given.<br/>c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|---|

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Fax number: \_\_\_\_\_ Telephone number: \_\_\_\_\_

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

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

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

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- b) provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record: \_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

**E. Fees**

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required 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..

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**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: \_\_\_\_\_

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Form in which record is required:

- Mark the appropriate box with an X.
- NOTES:
- a) Compliance with your request in the specified form may depend on the form in which the record is available.
  - b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
  - c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form:**

	Copy of record *	Inspection of record
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**2. If record consists of visual images**

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	View of the images		Copy of the images*		Transcription of the images*
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**3. If record consists of recorded words or information which can be reproduced in sound:**

	Listen to the soundtrack (CD)		Transcription of soundtrack*
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**4. If record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record*		Printed copy of information derived from record*		Copy of readable form (CD)
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* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>(POSTAGE IS PAYABLE)</b>	YES	NO
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**G. Particulars of right to be exercised or protected**

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

1. Indicate which right is to be exercised or protected:

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON BEHALF OF WHOM REQUEST IS MADE