

**ACCESS TO INFORMATION MANUAL**  
IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION  
ACT 2 OF 2000

of

**B. BRAUN MEDICAL (PTY) LIMITED**

**B. BRAUN AVITUM (PTY) LIMITED**

**B. BRAUN MEDICAL PRODUCTS (PTY) LIMITED**

**E. OWEN AND PARTNERS INCORPORATED**

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## 1. INTERPRETATION AND DEFINITIONS

- 1.1. In this Manual, unless clearly inconsistent with, or otherwise clearly indicated by the context –
- 1.1.1. **“B. Braun Avitum”** means B. Braun Avitum (Pty) Ltd, a private company duly incorporated in terms of the laws of South Africa, with registration number 2000/020045/07, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;
  - 1.1.2. **“B. Braun Medical”** means B. Braun Medical (Pty) Ltd, a private company duly incorporated in terms of the laws of South Africa, with registration number 1995/003058/07, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;
  - 1.1.3. **“B. Braun Medical Products”** means B. Braun Medical Products (Pty) Ltd, a private company duly incorporated in terms of the laws of South Africa, with registration number 2011/009469/07, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;
  - 1.1.4. **“B. Braun Melsungen AG”** means B. Braun Melsungen Aktiengesellschaft, with its head offices situated at Carl-Braun-Straße 1, 34212 Melsungen, Hessen, Germany;
  - 1.1.5. **“B. Braun SE”** means B. Braun Societas Europaea, with its head offices situated at Carl-Braun-Straße 1, 34212 Melsungen, Hessen, Germany;
  - 1.1.6. **“CIPC”** means the Companies and Intellectual Property Commission established in terms of section 185 of the Companies Act 71 of 2008;
  - 1.1.7. **“E. Owen and Partners”** means E. Owen and Partners Incorporated, a personal liability company duly incorporated in terms of the laws of South Africa, with registration number 2007/014879/21, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;

- 1.1.8. **“Effective Date of this Manual”** means the date reflected in the footnote to each page of this Manual next to the wording “Effective Date”;
- 1.1.9. **“European General Data Protection Regulation”** means regulation (EU) 2016/679 of the European Parliament and of Council of 27 April 2016;
- 1.1.10. **“Head/Information Officer”** means the “head” as defined in Section 1 of the PAI Act and the “information officer” as defined in Section 1 of the POPI Act, with the head/information officer being the same person;
- 1.1.11. **“HPCSA”** means the Health Professions Council of South Africa established in terms of section 2 of the Health Professions Act 56 of 1974;
- 1.1.12. **“Manual”** means this manual, which has been compiled with a view to comply with Section 51 of the PAI Act, together with all annexures attached to this manual;
- 1.1.13. **“our/us/we”** means B. Braun Avitum, B. Braun Medical, B. Braun Medical Products and E. Owen and Partners. Where a certain part/s of this Manual is/are only relevant to some of the aforementioned companies, that part/s shall clarify to which company/ies such a part/s relate/s;
- 1.1.14. **“PAI Act”** means the Promotion of Access to Information Act, 2 of 2000;
- 1.1.15. **“POPI Act”** means the Protection of Personal Information Act, 4 of 2013;
- 1.1.16. **“SAHRC”** means the South African Human Rights Commission, inaugurated on 2 October 1995 in terms of the Human Rights Commission Act 54 of 1994, which Act was replaced by the South African Human Rights Commission Act 40 of 2013;
- 1.2. Terms used in this Manual bear the meanings as defined in the PAI Act and the POPI Act.
- 1.3. This Manual is aimed at ensuring compliance with section 51 of the PAI Act, with this Manual not being intended to give to any person any rights greater than, or in

addition to, the rights set out in the PAI Act and/or in the POPI Act. Accordingly, notwithstanding anything contained in this Manual to the contrary, you only have the right/s afforded to you in terms of the PAI Act and the POPI Act.

## **2. DETAILS OF OUR INFORMATION OFFICER**

2.1. Our Information Officer, as at the Effective Date of this Manual, is:

2.1.1. Mr. Scott Farrell;

2.1.2. Phone Number: (010) 222 3000;

2.1.3. E-mail Address: [paia.za@bbraun.com](mailto:paia.za@bbraun.com);

2.1.4. Physical Address: 253 Aintree Road, Hoogland Ext. 41, Northriding, Gauteng, South Africa;

2.1.5. Postal Address: P.O. Box 1787, Randburg, 2125

## **3. THE SAHRC'S GUIDE ON HOW YOU CAN EXERCISE RIGHTS UNDER THE PAI ACT AND UNDER THE POPI ACT**

3.1. The SAHRC has compiled a guide which explains to readers thereof what rights they have in terms of the PAI Act and in terms of the POPI Act, as well as how to use such rights.

3.2. You can find, read and print the SAHRC's aforementioned guide on/from the SAHRC's official website: <http://sahrc.org.za>

3.3. Seeing that the SAHRC is obliged to update the aforementioned guide from time to time, if necessary, you must ensure that you have the most up to date guide from the SAHRC at the time that you intend to use same.

## **4. NOTICE IN TERMS OF SECTION 52(2) OF THE PAI ACT**

4.1. As at the Effective Date of this Manual the Minister had not published a notice in the Government Gazette in terms of Section 52(2) of the PAI Act, accordingly there was no notice to incorporate in this Manual as envisaged by Section 51(1)(b)(ii) of the PAI Act.

5. **OUR RECORDS WHICH ARE AVAILABLE IN TERMS OF LEGISLATION OTHER THAN THE PAI ACT**

- 5.1. As at the Effective Date of this Manual none of the records held by us are available in accordance with legislation other than the PAI Act.

6. **HOW TO REQUEST A RECORD FROM US**

- 6.1. A request for a record held by us must be made using the form attached to this Manual marked **Annexure “A”**, with the heading **“FORM C, REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY”**.

- 6.2. We shall be obliged to grant access to a record under circumstances where **ALL** of the following requirements are met:

- 6.2.1. The record must be required for the exercise or protection of any right/s under law; and

- 6.2.2. The person requesting the record must comply with all of the procedures laid down in the PAI Act in respect of a request for access to a record. Without limiting the generality of the foregoing, a request for a record must be in writing, and must be in a form which is substantially similar to the Form C, referred to in paragraph 6.1 above as Annexure “A”.

The request must either be delivered by hand to our Information Officer, alternatively the request must be e-mailed to our Information Officer’s e-mail address, and any fee that may be payable, which fee/s appear in **Annexure “B”**, must be paid into, and reflect in, our banking account. Do note that there are two types of fees. The first type being a request fee (not payable by a personal requester) which is to be paid before a request being processed. The second fee type (which is also payable by a personal requester) is the access fee. Kindly note that our Information Officer shall provide a requester in writing with our banking details in the event that any fee/s is/are payable. **NEVER** accept a verbal communication of our banking details; and

- 6.2.3. None of the grounds for refusal listed in Chapter 4 of the PAI Act finds application in respect of the request for the record in question.

The grounds upon which we may be entitled, or obliged, to refuse a request for access to a record include the following:

(The below summary is provided purely for illustrative purposes, accordingly it does not constitute legal advice. A REQUESTER SHOULD NOT RELY ON THE BELOW SUMMARY WHEN DETERMINING WHETHER OR NOT WE ARE ENTITLED/OBLIGED TO REFUSE A REQUEST FOR ACCESS TO A RECORD. None of our rights and/or obligations under law are in any manner avoided, waived nor limited by the below summary.)

- 6.2.3.1. Where disclosure of the record in question would unreasonably disclose personal information of another person, we must refuse.
- 6.2.3.2. Where disclosure of the record in question contains certain commercial information of another person, we must refuse.
- 6.2.3.3. Where the disclosure of the record in question would cause us to breach a duty of confidence that we owe another person under an agreement, we must refuse.
- 6.2.3.4. Where the disclosure of the record in question could reasonably be expected to endanger the life or physical safety of an individual, we must refuse, or where such disclosure could compromise the security of buildings, any property, computer/communication systems, we may refuse.
- 6.2.3.5. Where the disclosure of the record in question is privileged from production in legal proceedings, unless the person entitled to the privilege had waived same, we must refuse.
- 6.2.3.6. Where the disclosure of the record in question would cause access to be had to any of our trade secrets, any of our financial and/or technical information, or if such access could reasonably be expected to disadvantage ourselves in any negotiations or in respect of our commercial competitiveness, we may refuse.

6.2.3.7. Where the disclosure of the record in question would cause access to research information pertaining to another person, and the disclosure is likely to expose such other person, the researcher or the subject matter of the research, to serious disadvantage, we must refuse. Where the research information pertains to us, we may refuse under certain circumstances.

It is to be noted that we shall be obliged to give access to a record, notwithstanding that any of the grounds for refusal described in paragraphs 6.2.3.1 up to and including 6.2.3.7 may find application to a request for access to a record, in the event that Section 70 of the PAI Act finds application. Do however note that Section 70 of the PAI Act does not entitle a person to embark upon a “fishing expedition” in the mere hope of uncovering evidence, and the public interest which must attach to such disclosure must clearly weigh heavier than the negative consequences which is sought to be avoided by the applicable ground/s for refusal.

- 6.3. It is to be noted that the aforementioned requirements also apply in cases where the record that is being requested contains the personal information of the requester, or of the person on whose behalf the request is made.
- 6.4. In the event that the requester is a public body such as any department of the South African government, or part of a provincial government, or any municipality (see the definition of “public body” in Section 1(a) and (b)(i) of the PAI Act), and in the event that the request is made for the exercise or protection of any rights, other than such a public body’s own rights, then, in addition to the requirements described in paragraph 6.2 above, such a public body must be acting in the public interest.
- 6.5. Once we have received your request for information we shall within 30 (thirty) days inform you in writing whether or not your request is granted, alternatively we may under certain circumstances, still within the said 30 (thirty) day period and in writing, extend the aforementioned 30 (thirty) day period by a further period not exceeding 30 (thirty) days. In the event that you receive no reply from ourselves within the aforementioned 30 (thirty) day period, nor within any period of



extension, it shall be deemed for purposes of the PAI Act that your request had been refused.

- 6.6. Any notice by us informing you either that your application for information had been granted, alternatively that your request had been refused, or that the 30 (thirty) day period within which we are required to respond to your request has been extended, shall record such information as may be required by the PAI Act, including, but not limited to, your right to lodge a complaint with the Information Regulator or to approach the courts for relief in the event that you are aggrieved in respect of, for example, the access fee to be paid, the form of access granted, the refusal of access, or the extension of the 30 (thirty) day period within which we are to respond.
- 6.7. The fees chargeable by ourselves, as well as the circumstances under which such fees are chargeable, are set out in Annexure “B”.
- 6.8. Do note that, notwithstanding anything contained in this Manual to the contrary, we shall not be obliged to provide you with any record if such a record is requested for the purpose of criminal or civil court proceedings which, at the time of the request, had already commenced, and any other law provides for the production of, or access to, the record for purposes of such court proceedings.

## **7. THE SUBJECTS ON WHICH WE HOLD RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

- 7.1. We hold various records pertaining to various subjects, which include, but are not necessarily limited to, records which pertain to the following:

### **7.1.1. Regulatory and compliance records**

CIPC Documentation, HPCSA Certificates, Letter of Dispensing,  
Department of Health License, Bank Statements

Quality Agreements with Suppliers, Safety Data exchange agreements,  
Complaints (adverse reactions and technical complaints), Product quality reviews.

7.1.2. Manufacturing records

Batch manufacturing records, Batch packing records, Analytical test methods, Finished product results, Out of specifications, Deviations.

7.1.3. Human resource records

Employment contracts, Policies & Procedures, Payroll records, Employee Benefits.

7.1.4. Commercial transactions

Service Level Agreements, Lease Agreements, Supplier Agreements, Delivery Notes, Tenders, Preferred Provider Lists, Statements, Equipment Placement Agreements, Vendor Documents.

7.1.5. Corporate governance records

Share registers, Minutes of Meetings, Board Resolutions, Information in relation to CIPC.

**8. THE PROTECTION OF PERSONAL INFORMATION ACT DOES APPLY TO CERTAIN OF THE INFORMATION THAT WE PROCESS**

8.1. We set out below the types of persons in respect of whom we may collect personal information, the type of personal information generally processed by us in respect of such data subjects, as well as the purpose behind such processing:

<b>Data subjects</b>	<b>Information being processed</b>	<b>Purpose of processing</b>
Employees	Race; gender; sex; pregnancy; marital status; national, ethnic or social origin; age; physical or mental health; wellbeing; disability; language; education; medical, financial, criminal and employment history; identity number; e-mail and physical address; telephone number; biometric information;	To identify our employees; to comply with our legal and contractual obligations towards our employees; to comply with legislation that impacts upon us in our capacity as an employer.

Customers	Marital status; age; financial history; identity number (this includes identity numbers of customers' directors as well as registration numbers issued by the CIPC); e-mail and physical address; telephone number.	To identify our customers; to comply with our legal and contractual obligations towards our customers; to enforce any right/s that we may have in respect of our customers; to comply with legislation that impacts upon us as a medical device and pharmaceutical company.
Service providers	Race; gender; national, ethnic or social origin; age; language; education; financial history; identity number (this includes identity numbers of service providers' directors as well as registration numbers issued by the CIPC and banking account numbers/details); e-mail and physical address; telephone number; biometric information.	To identify our service providers; to comply with our legal and contractual obligations towards our service providers; to enforce any right/s that we may have in respect of our service providers; to comply with legislation that impacts upon us as a medical device and pharmaceutical company.
Patients	Race; gender; sex; pregnancy; marital status; national, ethnic or social origin; age; physical or mental health; wellbeing; disability; language; education; medical, financial, employment history; identity number; passport number; medical scheme membership details; e-mail and physical address; telephone number; biometric information.	In this column "our/us/we" refer only to B. Braun Avitum, B. Braun Medical and/or E. Owen and Partners, and then only to the extent to which this column provides for. To enable B. Braun Avitum and E. Owen and Partners to identify patients treated/to be treated by such parties; in the case of B. Braun Medical to identify, where needed and legally allowed, patients to whom medicines/medical devices are to be/has been supplied; to enable B. Braun Avitum and E. Owen and Partners to render appropriate medical treatment to our

		patients and to comply with our legal and contractual obligations towards our patients; to enable us to enforce any right/s that we may have in respect of patients which may include claiming payment from applicable medical schemes; to comply with legislation that impacts upon us as a health care provider/health establishment and/or as a supplier of medicines and/or medical devices.
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8.2. We set out below the recipients to whom personal information in respect of the listed data subjects may be supplied by us:

<b>Data subjects</b>	<b>Recipients</b>
Employees	Our employees and our agents who are authorised to process such information; our auditors; our legal advisers; applicable government institutions/regulatory bodies; employee benefit funds (including medical schemes and pension funds).
Customers	Our employees and our agents who are authorised to process such information; our auditors; our legal advisers; applicable government institutions/regulatory bodies; credit bureaus; courier service providers.
Service providers	Our employees and our agents who are authorised to process such information; our auditors; our legal advisers; applicable government institutions/regulatory bodies; courier service providers.
Patients	In this column “our/us/we” refer only to B. Braun Avitum, B. Braun Medical and E. Owen and Partners. Our employees and our agents who are authorised to process such information; our auditors; our legal advisers; applicable government institutions/regulatory bodies; medical schemes;

	other health practitioners; credit bureaus; patient transportation services.
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8.3. We set out below the planned transborder flow of personal information which we may collect:

<b>Data subjects</b>	<b>Information subject to transborder flow</b>	<b>The provision/s of Section 72 of the POPI Act entitling us to transfer personal information to a third party in a foreign country</b>
Employees	Identity numbers; registration numbers issued by the CIPC; banking account numbers/details; e-mail and physical addresses; telephone numbers.	We may rely on any of the grounds contained in Section 72 of the POPI Act to justify the transfer of personal information. However, as at the Effective Date of this Manual we endeavour to only to transfer personal information to countries which have laws in place as described in Section 72(1)(a)(i) and (ii), alternatively to obtain the data subject's consent to the transfer.
Customers	Identity numbers; registration numbers issued by the CIPC; banking account numbers/details; e-mail and physical addresses; telephone numbers.	
Service providers	Identity numbers; registration numbers issued by the CIPC; banking account numbers/details; e-mail and physical addresses; telephone numbers.	
Patients	Race; gender; sex; pregnancy;	We form part of B. Braun Melsungen AG, with B. Braun Melsungen AG's parent company being B. Braun SE, with both such companies being bound in law to European General Data Protection Regulation.

	marital status; national, ethnic or social origin; age; physical or mental health; wellbeing; disability; language; education; medical, financial, employment history; identity number; passport number; medical scheme membership details; e-mail and physical address; telephone number.	
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8.4. We set out below a general description of the information security measures implemented by us to ensure the confidentiality, integrity and availability of the personal information processed by us:

<b>Confidentiality</b>	<b>Integrity</b>	<b>Availability</b>
Confidentiality is ensured by: <ul style="list-style-type: none"> <li>• Protecting information with passwords.</li> <li>• Restricting access to information. Information access is generally provided on a need to know basis.</li> <li>• All server disks are encrypted as are laptop disks. This protects the data in the event of equipment theft.</li> </ul>	Data integrity is ensured by: <ul style="list-style-type: none"> <li>• Backing up all data held on servers, Sharepoint, Teams, etc.</li> <li>• Disaster Recovery Plans are in place in the event of a disaster.</li> <li>• Access to IT equipment in server or patch rooms is restricted by fingerprint readers.</li> </ul>	To obtain access to information, approval from the relevant manager is required.  Once this is obtained, the data can be accessed either by the party directly or the IT department extracts the information and sends it to the party.

**ANNEXURE “A”****FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

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

[Regulation 10]

**A. Particulars of private body**

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

**B. 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 the capacity in which the request is made, if applicable, must be attached.*

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

Identity number: \_\_\_\_\_  
Postal address: \_\_\_\_\_

Telephone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

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

**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) If 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:

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

3. Any further particulars of record:

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**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.

Reason for exemption from payment of fees:

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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 and 4 hereunder, state your disability and indicate in which form the record is required.



Disability:	Form in which record is required:
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*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 to 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 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 (audio cassette)		Transcription of soundtrack* (written or printed document)	
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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 the record*		Copy in computer readable form* (stiffy or compact disc)	
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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 to protected**

<p><i>If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requested must sign all the additional folios.</b></i></p>
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1. Indicate which right is to be exercised or protected:

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

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**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.*

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

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

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

## ANNEXURE “B”

### FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

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(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) For a copy in a computer-readable form on –	
(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) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(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) For a copy in a computer- form on –	
(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

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|---------|---|-------|
| (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.
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.