



PAIA MANUAL of MSD(Pty)Ltd	Date of Compilation: 11 March 2020	Publication Date:
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**INFORMATION MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT OF 2002 AND THE  
PROTECTION OF PERSONAL INFORMATION ACT OF 2013**

**OF**


**MSD(PROPRIETARY)LIMITED**



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## DEFINITIONS AND INTERPRETATION

**Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPI and in paragraph 11.1 of this Manual;

**Constitution** means The Constitution of the Republic of South Africa, 1996;

**Customer** refers to any natural or juristic person that received or receives services from MSD SA;

**Data Subject** has the meaning ascribed thereto in section 1 of POPI;

**Information Officer** means the duly authorised Head (as defined in section 1 of PAIA) of MSD SA, being Priya Agrawal;

**Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPI Regulations;

**MSD** means MSD(Proprietary)Limited Registration Number 1996/03791/07, hereinafter referred to as MSD or MSD SA

**PAIA** means the Promotion of Access to Information Act 2 of 2000;

**Personal Information** has the meaning ascribed thereto in section 1 of POPI;

**Personnel** refers to any person who works for, or provides services to or on behalf of MSD SA, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of MSD SA, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;

**POPI** means the Protection of Personal Information Act 4 of 2013;

**POPI Regulations** mean the regulations promulgated in terms of section 112(2) of POPI;

**Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPI;

**Processing** has the meaning ascribed thereto in section 1 of POPI;

**Responsible Party** has the meaning ascribed thereto in section 1 of POPI;


**Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;

**Requestor** has the meaning ascribed thereto in section 1 of PAIA;

**Request for Access** has the meaning ascribed thereto in section 1 of PAIA; and

**SAHRC** means the South African Human Rights Commission.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPI and PAIA as the context specifically requires, unless otherwise defined herein.

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## INTRODUCTION

### 1.1 GENERAL

MSD is a global healthcare company working to make a difference in the lives of people through the innovative medicines, vaccines and consumer health and animal products that we discover and produce. Our core therapeutic areas include diabetes, oncology, vaccines, women’s health, asthma, cholesterol, hypertension, HIV and hospital acute care. We continue to focus on research on conditions that represent some of today’s most significant health challenges like cancer, hepatitis C, cardio-metabolic disease, antibiotic resistant infections and we are on the front lines on the fight against emerging global pandemic such as Ebola. We are also building strengths in new areas such a biologicals and bio-similar molecules.

### 1.2 PAIA

PAIA was assented to on the 2<sup>nd</sup> of February 2000, published on the 3<sup>rd</sup> of February 2000 and commenced on the 9<sup>th</sup> of March 2001. The purpose of PAIA is to give effect to section 32 of the Constitution, a fundamental right in the Bill of Rights, being the right of access to any information held by the state and any right held by any other person and that is required for the exercise of any rights.

Section 50 of PAIA states that where a request is made for a Private Body to release a Record, the Private Body is obliged to release the Record, except where PAIA expressly provides for the withholding of the Record. PAIA further sets out the required procedures to be followed by a requestor when making a Request for Access.

Section 51 Of PAIA further states that “all Private Bodies are required to compile an information manual “PAIA Manual”.

### 1.3 POPI

POPI was assented to on the 26<sup>th</sup> of November 2013. The Purpose of POPI is to give effect to section 14 of The Constitution, “The right to Privacy”, by protecting Personal Information and regulating the free flow and processing of Personal Information.

POPI sets minimum conditions which all Responsible Parties must comply with so as to ensure that all Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful Processing and are more fully described in paragraph 11.1 of this manual.

### 1.4 THE PURPOSE OF THIS MANUAL


The purpose of this Manual is to foster a culture of transparency and accountability within MSD, its employees and its network of Subsidiaries, Stakeholders, Customers and Third Parties of which MSD forms a part; to promote a culture of effective access to information and to enable all stakeholders to fully exercise and protect all their rights.

Furthermore, this manual aims to give effect to the right to privacy in relation to the protection of Personal Information.

Both PAIA and POPI recognise that the rights of access to information and privacy respectively are subject to the limitations clause in terms of section 36 of The Constitution where such limitation is reasonable and justifiable in terms of the law of general application in an open and democratic society based on human dignity, equality and freedom.

This PAIA Manual of MSD South Africa:

- a) Is available for viewing at MSD’s premises in Midrand at 117, 16<sup>th</sup> Rd, Halfway House, 1685 as well as on MSD’s website , [www.msd.co.za](http://www.msd.co.za)

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- b) For the purposes of PAIA, details the process to be followed by a Requestor and the manner in which a Request for Access shall be facilitated.
- c) For the purposes of POPI, amongst other legislative requirements which MSD South Africa is subject to, details the purpose for which Personal Information may be processed, a description of the categories of Data Subjects for whom MSD South Africa processes personal information relating to such data subjects and the recipients to whom Personal Information may be supplied.

## 2. CONTACT DETAILS OF THE MANAGING DIRECTOR

Managing Director:Zwelethu Bashma

Registered Address: 117 16<sup>th</sup> Road, Halfway House, 1685

Postal Address: Private Bag 3, Halfway House, 1686

Telephone Number: (011) 655 3001

Website: [www.msd.co.za](http://www.msd.co.za)

## 3. THE INFORMATION OFFICER

3.1 The Act prescribes the appointment of an information officer for public bodies where such Information officer is responsible for, amongst other things, assessing requests for access to information. The Head of a Private body in terms of section 51(1) and ss(2) of The Act, fulfils the function of compiling and updating the PAIA manual.

3.2 The Information Officer appointed in terms of The Act also refers to the Information Officer as referred to in the POPI Act. The information Officer oversees the function and responsibilities as required in terms of both PAIA and section 55 of the POPI Act after registering with the Information Regulator.

3.3 The information regulator may where it is deemed necessary appoint deputy information officers, as allowed for in section 17 of The Act as well as section 56 of the POPI Act. All requests for information in terms of The Act must be addressed to the Information Officer.

## CONTACT DETAILS OF THE INFORMATION OFFICER

Information Officer: Zwelethu Bashman

Registered Address: 117 16<sup>th</sup> Road, Halfway House, 1685

Postal Address: Private Bag 3, Halfway House, 1686

Telephone Number: (011) 655 3001


## 4. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

### ENQUIRY DETAILS

4.1 The Commission launched a Guide in terms of section 10 of PAIA on 01 March 2005. The Guide as required by section 51(1)b, is available in eleven official languages and has been distributed to public bodies. Members of the public can inspect or make copies of the Guide from the offices of these public bodies.

4.1.1 The guide contains information on understanding and using The Act; the objectives of The Act, Particulars of every public body and private body, the manner and form of requests and contents of the regulations promulgated under The Act

4.2 The guide is also available on the SAHRC website and any enquiries on this Guide can be directed to :

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**The Deputy Information Officer:**

**Dr Shanelle van der Berg**

The South African Human Rights Commission

PAIA Unit

Private Bag X 2700, Houghton, 2041

Telephone Number: 011 877 3608

Facsimile No: 011 403 0625

Website: <https://www.sahrc.org.za/index.php/what-we-do/programmes>

E-mail: [mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

**5. PUBLICATION AND AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA**

5.1 Schedule of Records

The Schedule of records as detailed in Appendix 3 of this Manual are records held by MSD South Africa for purposes of PAIA and POPI respectively. Access to such records may not be granted subject to the grounds of refusal as specified in paragraph 6 below.

5.2 List of applicable legislation

A list of applicable legislation in terms of which MSD South Africa retains or processes records and which is applicable of MSD South Africa is set out in Appendix 4.

**6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA**

The following are the grounds on which MSD South Africa may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

6.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be reasonable.;

6.2 Mandatory protection of the commercial information of a third party if the records contain:


- a) Trade Secrets of the third party;
- b) Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and or
- c) Information disclosed in confidence by a third party to MSD south Africa, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition

6.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

6.4 Mandatory protection of the safety of individuals and the protection of property

6.5 Mandatory protection of records that would be regarded as privileged in legal proceedings

6.6 Protection of the commercial information of MSD South Africa which may include:

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- a) Trade Secrets
- b) Financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of MSD South Africa
- c) Information which, if disclosed, could put MSD South Africa at a disadvantage in contractual or other negotiations or prejudice MSD South Africa in commercial competition and or
- d) Digital programs which are owned by MSD South Africa, and which are protected by copyright with intellectual property laws;

6.7 Research information of MSD South Africa or a third party, where such disclosure would place the research or the researcher at a serious disadvantage; and

6.8 Requests for records that are clearly frivolous or vexatious or which involve an unreasonable division of resources.

## **7. REMEDIES AVAILABLE TO THE REQUESTOR UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA**

### **7.1 Internal Remedies**

A requestor may appeal in writing to MSD's internal information appeal committee following a refusal for access to information.

Contact Details of the internal appeal committee:

Contact Person: Tebatso Ramoenyane

Email: morongoa.tebatso.ramoenyane@merck.com

### **7.2 External Remedies**

In accordance with section 56(3)(c) and 78 of PAIA, a requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.


## **8. PROCEDURE FOR A REQUEST OF ACCESS IN TERMS OF PAIA**

8.1 A Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.

8.2 A Requester must complete the prescribed Request for Access form attached as Appendix 1, and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, facsimile number or electronic mail address stated in paragraph 3.3 above.

8.3 The Request for Access form must be completed with enough particularity to at least enable the Information Officer to identify the following:

- a) The Record/s requested;
- b) The identity of the Requester;
- c) The form of access that is required, if the request is granted;
- d) The postal address or fax number of the Requester; and
- e) The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

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8.4 MSD SA will process the Request for Access within 30 days of receipt of the Request for Access, unless the Request for Access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA.

8.5 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requestor must state the manner and the particulars so required.

8.6 If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request

to the reasonable satisfaction of the Information Officer.

8.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.8 MSD SA will voluntarily provide the requested Records to a Personal Requestor (as defined in section 1 of PAIA). The prescribed fee for reproduction

of the Record requested by a Personal Requestor will be charged in accordance with section 54(6) of PAIA and paragraph 9 below.

## 9. FEES

### 9.1 The Act provides for two types of fees, namely:

- a) A request fee, payable by a Requestor, other than a Personal Requestor; and
- b) An access fee, which must be calculated by taking into account the production costs, search and preparation time and cost, as well as postage costs.

9.2 When the Request for Access is received by the Information Officer, the Information Officer shall by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further processing of the Request for Access.

9.3 If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer shall notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.

9.4 The Information Officer shall withhold a Record until the Requester has paid the fees set out in Appendix 2.


9.5 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 a requested form provided for in section 29(2) (a) and (b)(i) and (ii) of PAIA.

9.6 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requester.

## 10. DECISION TO GRANT ACCESS TO RECORDS

10.1 MSD SA shall decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requestor with reasons (if required) to that effect.



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10.2 The period referred to in paragraph 10.1 above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of MSD SA and the Records cannot reasonably be obtained within the original 30 day period.

10.3 MSD SA will notify the Requester in writing should an extension of time as contemplated in paragraph 10.2 above be required.

## **11. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY MSD SA**

### **11.1 Conditions for Lawful Processing**

Chapter 3 of POPI provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPI. Below is a description of the eight Conditions for Lawful Processing as contained in POPI:

- a) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPI in respect of the Processing of Personal Information.
- b) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
- c) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- d) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- e) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- f) Openness - there must be transparency between the Data Subject and the Responsible Party.
- g) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- h) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

### **11.2 Purpose of the Processing of Personal Information by MSD SA**

As outlined in paragraph 12(1)(c), Personal Information may only be Processed for a specific purpose. The purposes for which MSD Processes or will Process Personal Information is set out in Part 1 of Appendix 5.

### **11.3 Categories of Data Subjects and Personal Information/special Personal Information relating thereto**


As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. Appendix 4 sets out the various categories of Data Subjects that MSD SA Processes Personal Information on and the types of Personal Information relating thereto.

### **11.4 Recipients of Personal Information**

Appendix 4 outlines the recipients to whom MSD SA may provide a Data Subjects Personal Information to.

### **12.5 Cross-border flows of Personal Information**

Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa:

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- a) If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
- b) If the Data Subject consents to the transfer of their Personal Information; or
- c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Part 4 of Appendix 4 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

#### **11.6 Description of information security measures to be implemented by MSD SA**

Part 5 of Appendix 4 sets out the types of security measures to implemented by MSD SA in order to ensure that Personal Information is respected and


protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by MSD SA may be conducted in order to ensure that the Personal Information that is processed by MSD SA is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

#### **11.7 Objection to the Processing of Personal Information by a Data Subject**

Section 11(3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 5 subject to exceptions contained in POPI.

#### **11.8 Request for correction or deletion of Personal Information**

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 6 to this Manual.

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**APPENDIX 1**

**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: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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**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 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. 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.
- 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 to 4 below, state your disability and indicate in which form the record is required.

Disability: <input type="checkbox"/>	Form in which record is required: <input type="checkbox"/>
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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.	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>			
	view the images		copy of the images*
			transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record*		printed copy of information derived from the record*
			copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

**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:


.....

.....

.....

.....

.....

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

.....  
 .....

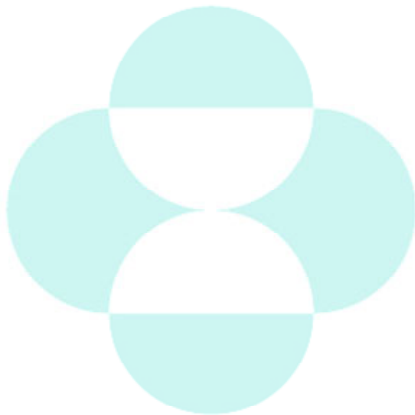
**H. Notice of decision regarding request for access**

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


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

.....  
 .....

Signed at ..... this day..... of .....year  
 .....




.....  
 ..... SIGNATURE OF  
 REQUESTER /  
 PERSON ON WHOSE BEHALF REQUEST IS  
 MADE

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## APPENDIX 2

### APPLICABLE FEES IN RESPECT OF PRIVATE BODIES IN RELATION TO PAIA




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### APPENDIX 3

#### LIST OF APPLICABLE LEGISLATION IN RESPECT OF MSD SA

1. The Medicines and Related Substances Act No. 101 of 1965
2. Basic Conditions of Employment Act No. 75 of 1997
3. Companies Act No. 71 of 2008
4. Competition Act No. 89 of 1998
5. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
6. Constitution of South Africa, 1996
7. Customs and Excise Act No 91 of 1964
8. Electronic Communications and Transactions Act No. 25 of 2002
9. Employment Equity Act No. 55 of 1998
10. Financial Advisory and Intermediary Services Act No.37 of 2002
11. Financial Intelligence Centre Act No. 38 of 2001
12. Financial Markets Act No. 19 of 2012
13. Financial Sector Regulation Act No. 9 of 2017
14. Immigration Act No. 13 of 2002
15. Income Tax Act No. 58 of 1962
16. Insolvency Act No. 24 of 1936
17. Inspection of Financial Institutions Act No.80 of 1998
18. Labour Relations Act No. 66 of 1995
19. National Credit Act No. 34 of 2005
20. National Payment System Act No. 78 of 1998
21. Occupational Health and Safety Act No. 85 of 1993
22. Prevention of Organised Crime Act No. 121 of 1998
23. Promotion of Access to Information Act No. 2 of 2000
24. Protection of Personal Information Act No. 4 of 2013
25. Protected Disclosures Act No. 26 of 2000
26. Protection of Constitutional Democracy Against Terrorist and Related Activities Act No. 33 of 2004
27. Securities Transfer Tax Act No.25 of 2007



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28. Skills Development Levies Act No.9 of 1999

29. Unemployment Insurance Contributions Act No. 4 of 2002

30. Value-added Tax Act No. 89 of 1991

31. General Data Protection Regulation (GDPR)




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#### APPENDIX 4


#### SCHEDULE OF RECORDS OF MSD SA IN RELATION TO PAIA

Part 1	Purpose of the Processing of Personal Information	Type of Processing
	<p>(A) to provide accounts and services to the Customer in accordance with terms agreed to by the Customer;</p> <p>(B) to undertake activities related to the provision of accounts, services and trade transactions, such as, by way of non-exhaustive example:</p> <p>(1) to fulfil foreign and domestic legal, regulatory and compliance requirements and comply with any applicable treaty or agreement with or between foreign and domestic governments applicable to any of the MSD SA, MSD SA affiliates and their agents or payment infrastructure providers; (2) to verify the details and credentials of the Third Party or its representatives who contact the MSD or may be contacted by MSD SA;</p> <p>(3) for risk assessment, information security management, statistical, trend analysis and planning purposes; (4) to monitor and record calls and electronic communications with the Customer for quality,</p>	<p>Collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction,</p>

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	<p>training, investigation and fraud prevention purposes; (5) for crime detection, prevention, investigation and prosecution; (6) to enforce or defend the MSD SA's or MSD SA affiliates' rights; and (7) to manage the MSD SA's relationship with the Customer, which may include providing information to Customer and Customer affiliates about MSD SA's and MSD SA affiliates' products and services; and (C) the purposes related to any authorised disclosure made in terms of agreement, law or regulation; (D) any additional purposes expressly authorised by the Customer; and (E) any additional purposes as may be notified to the Customer or Data Subjects in any notice provided by MSD SA</p>	
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Part 2	Categories of Data Subjects of MSD SA and categories of Personal Information relating thereto	Data Subject	Personal Information Processed
	<p><b>Customer:</b></p> <ul style="list-style-type: none"> <li>▪ Corporate; Customer Profile information including, account details, payment information, corporate structure, customer risk rating and other customer information including to the extent the categories of information relate to individuals or representatives of customers (e.g., shareholders, directors, etc.) required for the above mentioned purposes.</li> <li>▪ Individual; Name; contact details (Company E-Mail Address, Company Telephone Number), client details (Home Facsimile Number, Home</li> </ul>	Natural and Juristic Person	Personal data relating to a Data Subject received by or on behalf of MSD SA from the Customer, Customer affiliates and their respective representatives and related parties in the course of providing services to the Customer or in connection with a transaction or services. Customer personal data may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, voiceprints, bank account and transactional information (where legally permissible), to the extent


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	<p>Postal Address, Home Telephone Number, Personal Cellular, Mobile Or Wireless Number, Personal E-Mail Address); regulatory identifiers (e.g. tax identification number, Alien Registration Number); Account information (Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type, Bank account balance); transaction details and branch details; “know-your customer” data, account opening forms; photographs; other identification and verification data as contained in images of ID card, passport and other ID documents; images of customer signatures).</p> <ul style="list-style-type: none"> <li>▪ Staff : Name; MSD Global employee ID number; business contact details (address/telephone number/email address)</li> </ul>		that these amount to personal data under POPI.
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<b>Part 3</b>	<b>Recipients of Personal Information</b>
	MSD SA, its affiliates and their respective representatives
<b>Part 4</b>	When making authorized disclosures or transfers of personal information in terms of section 72 of POPI , Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.
<b>Part 5</b>	<b>Description of information security measures to be implemented by MSD SA</b>
	MSD SA undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined in numbers 1 to 8. The details given

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	<p>are to be interpreted as examples of how to achieve an adequate data protection level for each objective.</p> <ol style="list-style-type: none"> <li>1. Access Control of Persons MSD SA shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.</li> <li>2. Data Media Control MSD SA undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by MSD SA and containing personal data of Customers.</li> <li>3. Data Memory Control MSD SA undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data of the Data Exporter's customers.</li> <li>4. User Control MSD SA shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.</li> <li>5. Access Control to Data MSD SA represents that the persons entitled to use MSD SA's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization).</li> <li>6. Transmission Control MSD SA shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of MSD SA's data communication equipment / devices.</li> <li>7. Transport Control MSD SA shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.</li> <li>8. Organization Control MSD SA shall maintain its internal organization in a manner that meets the requirements of this Manual.</li> </ol>
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## APPENDIX 5

### FORM FOR THE OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPI

#### 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, 2017 [Regulation 2(1)]


*Note:*

1. *Affidavits or other documentary evidence in support of the objection must 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.*

Reference Number....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
	Code (     )
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural):	
Residential, postal or business address:	
	Code (     )
Contact number(s):	
Fax number:	



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## APPENDIX 6

### FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL INFORMATION IN TERMS OF POPI

#### 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, 2017 [Regulation 3(2)]

Note:

1. *Affidavits or other documentary evidence in support of the request must 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.*

Mark the appropriate box with an "x".

**Request for:**

Reference Number....

- Reference Number
- 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
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	





.....  
*Signature of Data subject*



**MSD**