



ACCESS TO INFORMATION MANUAL OF ASPEN PHARMACARE HOLDINGS LIMITED

Prepared in accordance with section 51 of
the Promotion of Access to Information Act No. 2 of 2000

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1. INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act, No.2 of 2000 (“the Act”) became operative, giving effect to the constitutional right to access information as contained in section 32(2) of the Bill of Rights. The Act seeks to advance the values of transparency and accountability.

The Act establishes certain statutory rights of requesters to any record of a private body if:

- that record is required for the exercise of any of his or her legal rights;
- that requester complies with all the procedural requirements; and
- access is not refused in terms of any ground referred to in the Act.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

2. PURPOSE AND SCOPE OF THE MANUAL

This document serves as the Aspen Pharmacare Holdings Limited information manual and provides reference to the records held by Aspen, its subsidiaries and other juristic persons in which Aspen or its subsidiaries may have an interest from time to time.

The scope of this manual includes **Aspen Pharmacare Holdings Limited** as the holding company (or **Aspen**) of a group of local and offshore companies (“the Group”) involved in the manufacturing, distribution and supply of branded and generic pharmaceuticals across the globe and of consumer and nutritional products in selected territories (as more fully described above in 2). Also included under the scope of this manual are the Group’s South African corporate entities Pharmacare Limited trading as Aspen Pharmacare, Fine Chemicals Corporation (Pty) Limited and other South African subsidiaries that the Act applies to (collectively referred to as “the Companies”).

3. ABOUT ASPEN

Aspen is a global supplier of branded and generic pharmaceutical products as well as consumer and nutritional products in selected territories. The Group has a proud heritage dating back more than 160 years and today its products reach approximately 150 countries. Aspen is the largest pharmaceutical company listed on the JSE Limited (“JSE”), South Africa’s stock exchange. The Group has 22 manufacturing facilities at 16 pharmaceutical manufacturing sites on six continents and approximately 8 200 employees.

Further general information on Aspen, its operations and activities can be obtained from its website at www.aspenpharma.com.

4. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection on the Aspen website at www.aspenpharma.com. The manual is further available for viewing as a hard copy at the office of the Company Secretary of Aspen, at Building 1, Aspen Park, 98 Armstrong Avenue, La Lucia Ridge, Durban.

5. CONTACT PERSON – INFORMATION OFFICER (SECTION 51(1)(a))

The responsibility for the administration of, and compliance with the Act, has been delegated to the Company Secretary of Aspen. Requests pursuant to the provisions of the Act should be directed as follows:

Information Officer	:	The Company Secretary (Riaan Verster)
Postal address	:	P O Box 25125, Gateway, 4321 (KwaZulu Natal – South Africa)
Street address	:	Building 1, Aspen Park, 98 Armstrong Avenue, La Lucia Ridge, Durban
Business phone	:	+ 27 031 580 8624
Business fax	:	+ 27 031 31 580 8640
e-mail address	:	rverster@aspenpharma.com

6. HUMAN RIGHTS COMMISSION GUIDE (SECTION 51(1)(b))

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, South Africa and on its website at www.sahrc.org.za.

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC (SECTION 51(1)(c))

The following categories of information are automatically available for inspection or photocopying. It is not necessary to request this information in terms of the Act and it may be obtained by contacting our Information Officer:

- Public statutory records as kept by the Companies and Intellectual Property Commission of South Africa;
- The following information about Aspen as provided at www.aspenpharma.com:
 - About Aspen (Group Overview, Aspen's Global Presence and Board of Directors);
 - Investor Relations (including Aspen's Annual Reports, reviews and IFRS financial statements);
 - Information about the companies performance for the current and previous financial years;
 - Links to the websites of its various operations;
 - Contact details; and
 - Legal notices (including this manual).

8. RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Records are available in terms of the legislation detailed in **Annexure 3** to this manual (as amended from time to time).

Note that the information will only be provided in accordance with the requirements stipulated in the relevant pieces of legislation. If a requester believes that a right to access to a record exists in terms of the legislation above, or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

9. RECORDS – CATEGORIES AND SUBJECT OF RECORDS (SECTION 51(1)(e))

The information contained in this section is intended to identify the main categories of records held with the Companies and to help the requester to gain a better understanding of the main business activities of the Companies. Further assistance in identifying the records held by the Companies is obtainable from the Information Officer.

Records, to which the right and manner of access will be provided in accordance with the Act (subject to the restrictions and right of refusal to access provided for in the Act), are available in respect to the following (non-exhaustive) aspects of the Companies' businesses and operations:

COMPANIES ACT RECORDS

- Documents of incorporation;
- Memorandum and Articles of Association or Memorandum of Incorporation (as applicable)
- Records relating to the appointment of directors/ auditor/ secretary;
- Public officer and other officers; and
- Share Register and other statutory registers

FINANCIAL RECORDS

- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records;
- Bank Statements;
- Paid Cheques;
- Electronic banking records;
- Asset Register;
- Rental Agreements; and
- Invoices.

INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
 - VAT;
 - Skills Development Levies;
 - UIF; and
 - Workmen's Compensation.

PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts;
- Employment Equity Plan;
- Medical Aid records;
- Pension Fund records;
- Disciplinary records;
- Salary records;
- SETA records;
- Disciplinary code;

- Leave records;
- Training records; and
- Training Manuals

SAFETY, HEALTH AND ENVIRONMENT (SHE) RECORDS

- SHE Policy
- Mandatory SHE Records

10. ACCESS REQUESTS

10.1 ACCESS REQUEST PROCEDURE (SECTION 51(1)(e))

COMPLETION OF ACCESS REQUEST FORM

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form, attached as **Annexure “1”** hereto, must be completed.
- Proof of identity is required to authenticate the identity of the requester – in addition to the Access Request Form, requesters will be required to supply a certified copy of their green bar-coded identification document or a valid passport document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “NIL” in response to that question.
- If there is insufficient space on the printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

Please note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

SUBMISSION OF ACCESS REQUEST FORM

The completed Access Request Form together with a certified copy of the requester’s identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

An initial **request fee of R57.00 (including VAT)** is payable on submission of the request. This fee is **not applicable to Personal Requesters**, referring to any person seeking access to records that contain their personal information.

PAYMENT OF FEES

Payment details can be obtained from the Information Officer indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record. If the request for access is successful an **access fee** may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the **Prescribed Fees** as set out in **Annexure “2”** hereto.

NOTIFICATION

The Information Officer will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

This 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or the request requires a search for information held at other offices of one or more of the Companies and the information cannot reasonably be obtained within the original 30 (thirty) day period. The requester will be notified in writing should an extension be sought.

10.2 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4)

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed by a third party to any of the Companies if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement – the provisions of the Act to apply in relation to the rights of the relevant third parties;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The commercial activities of the Companies, which may include:
 - Trade secrets of the Companies; and
 - Financial, commercial, scientific or technical information which, if disclosed, could likely cause harm to the financial or commercial interests of the Companies.

10.3 APPEAL AGAINST REFUSAL TO GRANT ACCESS

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, upon notification of the Information Officer's decision (or upon his or her deemed refusal in terms of Section 58 of the Act), apply to court for appropriate relief within the prescribed timeframes as prescribed by the Act.

11. ADDITIONAL PRESCRIBED INFORMATION (SECTION 51(1)(f))

The Minister of Justice has not prescribed any additional information to be contained in this Manual.

ANNEXURE “1”**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY- FORM C**

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

[Regulation 10]**1. PARTICULARS OF PRIVATE BODY**

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Information Officer : The Company Secretary (Riaan Verster)

Postal address : P O Box 25125, Gateway, 4321 (KwaZulu Natal – South Africa)

Street address : Building 1, Aspen Park, 98 Armstrong Avenue, La Lucia Ridge, Durban

Business phone : + 27 031 580 8624

Business fax : + 27 031 31 580 8640

e-mail address : rverster@aspenpharma.com

2A. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD (REQUESTER)

- (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 : _____

Fax number : _____ Telephone number : _____

email address : _____

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

2B. PARTICULARS OF REQUESTER (IF A LEGAL ENTITY)

- (a) *The particulars of the entity that 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.*

Name of entity : _____

Registration number :

--

Postal address : _____

Fax number : _____ Telephone number : _____

email address : _____

Capacity in which request is made:

3. 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 : _____

4. 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:

5. FEES

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** 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:

6. FORM OF ACCESS TO RECORDS

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:	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 by the form in which access is requested.

1.	If the record is in written or printed form:		
	<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record	
2.	If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):		
	<input type="checkbox"/> view the images	<input type="checkbox"/> copy the images*	<input type="checkbox"/> transcription of the images*
3.	If record consists of recorded words or information which can be reproduced in sound:		
	<input type="checkbox"/> listen to soundtrack (audio CD)	<input type="checkbox"/> transcription of soundtrack* (written or printed documents)	
4.	If record is held on computer or in an electronic or machine-readable form:		
	<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (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			
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	

7. 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.

8. 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?

Signed at _____ this _____ day of _____ 20 _____

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

ANNEXURE "2"**PRESCRIBED FEES**

(Section 54(7) of the Promotion of Access to Information, Act No. 2 of 2000)

[Regulation 11(3)]

- | | | |
|-----|--|--------|
| (a) | For every photocopy of an A4-size page or part thereof | R1.25 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form | R0.85 |
| (c) | For a copy in a computer-readable form on compact disc | R79.80 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof | R45.60 |
| | (ii) For a copy of visual images | R68.40 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | R22.80 |
| | (ii) For a copy of an audio record | R34.20 |
| (f) | To search for and prepare the record for disclosure or part thereof - R34.20 for each hour or part thereof reasonably required for such search and preparation | |
| (g) | Six hours of searching to be exceeded before a deposit is payable | |
| (h) | One third of the access fee is payable as a deposit by the requester | |
| (i) | The actual postage fee is payable when a copy of a record must be posted to a requester | |

PLEASE NOTE THAT ALL PRICES LISTED ARE INCLUSIVE OF VALUED-ADDED TAX

ANNEXURE 3**RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))**

Records are available in terms of the following legislation, as amended from time to time:

Auditing Profession Act No. 26 of 2005
 Basic Conditions of Employment Act No. 75 of 1997
 Broad-Based Black Economic Empowerment Act No. 53 of 2003
 Companies Act No. 71 of 2008
 Compensation for Occupational Injuries and Disease Act No. 130 of 1993
 Competition Act No. 89 of 1998
 Constitution of South Africa Act No. 108 of 1996
 Consumer Protection Act No. 68 of 2008
 Copyright Act No. 98 of 1987
 Customs and Excise Act No. 91 of 1964 (updated 2008/05/13)
 Deeds Registries Act No. 47 of 1937
 Electronic Communications Act No. 36 of 2005
 Electronic Communications and Transactions Act No. 25 of 2002 (updated 2007/06/27)
 Engineering Profession Act No. 46 of 2000 (updated 2008/04/15)
 Environmental Conservation Act No. 73 of 1989
 Employment Equity Act No. 55 of 1998
 Firearms Control Act No. 60 of 2000
 Foodstuffs, Cosmetics & Disinfectants Act No. 54 of 1972
 Hazardous Substances Act No. 5 of 1973
 Income Tax Act No. 58 of 1962
 Information Act No. 70 of 2002
 Labour Relations Act No. 66 of 1995
 Long-Term Insurance Act No. 52 of 1998
 Marketable Securities Act No. 32 of 1948
 Medical Schemes Act No. 131 of 1998
 Medicines and Related Substances Act No. 101 of 1965 (updated 2008/05/08)
 National Credit Act No. 34 of 2005 (updated 2007/08/31)
 National Environmental Management Act No. 107 of 1998
 National Environmental Management Act: Air Quality Act No. 39 of 2004
 National Environmental Management: Waste Act No. 59 of 2008
 National Ports Act No. 12 of 2005 (updated 2007/11/26)
 National Road Traffic Act No. 93 of 1996
 National Water Act No. 36 of 1998
 Occupational Health and Safety Act No. 85 of 1993
 Patents Act No. 57 of 1987
 Pension Funds Act No. 24 of 1956
 Pharmacy Act No. 54 of 1974
 Preferential Procurement Policy Framework Act No. 5 of 2000
 Promotion of Access to Information Act No. 2 of 2000
 Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
 Protected Disclosures Act No. 26 of 2000
 Regulation of Interception of Communications and Provision of Communication Related
 Revenue Laws Amendment Act No. 35 of 2007
 Revenue Laws Second Amendment No. 36 of 2007
 Sea Transport Documents Act No. 65 of 2000
 Securities Services Act No. 36 of 2004
 Securities Transfer Tax Act No. 25 of 2007 (added 2008/01/14)
 Security by means of Movable Property Act No. 57 of 1993
 Short-Term Insurance Act No. 53 of 1998
 Skills Development Act No. 97 of 1998
 Skills Development Levy Act No. 9 of 1999
 South African Reserve Bank Act No. 90 of 1989
 Standards Act No. 29 of 1993 (updated 2008/04/14)
 State Tender Board Act No. 86 of 1968
 Stamp Duties Act No. 77 of 1968

Stock Exchange Control Act No. 1 of 1985
Tobacco Products Control Act No. 12 of 1999
Trademarks Act No. 194 of 1993
Transfer Duty Act No. 40 of 1949
Unemployment Insurance Act No. 63 of 2001
Unemployment Insurance Contributions Act No. 4 of 2002 (updated 2008/02/04)
Value Added Tax Act No. 89 of 1991

PLEASE NOTE:

Although all reasonable endeavours have been made to provide a complete list of applicable legislation herewith, it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act we shall immediately update the list.