

**MANUAL PUBLISHED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT NO 2 OF 2000 (PAIA) AND TO ADDRESS REQUIREMENTS OF THE
PROTECTION OF PERSONAL INFORMATION ACT OF 2013 (“POPI”)**

BY

JANSSEN PHARMACEUTICA PROPRIETARY LIMITED Reg. No 1980/011122/07

(referred to as “Janssen”)

(“the Manual”)

Last Updated: 13 April 2022

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1. INTRODUCTION

- 1.1. The definitions used in this Manual shall bear the meanings ascribed to them by the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") and the Protection of Personal Information Act 4 of 2013 ("**POPIA**").
- 1.2. Janssen is a private body as defined in PAIA.
- 1.3. PAIA came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.
- 1.4. This Manual constitutes Janssen's PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by POPIA, which gives effect to everyone's Constitutional right to privacy and largely commenced on 1 July 2020. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.5. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. ABOUT JANSSEN

2.1. Janssen Pharmaceutica (Pty) Ltd

Janssen Pharmaceutica (Pty) Ltd is a private company duly registered and incorporated in accordance with South African laws with registration number 1980/011122/07, which carries on the business of manufacturing and distributing of various pharmaceutical products.

3. CONTACT DETAILS OF MANAGING DIRECTOR / INFORMATION OFFICER

Position	Managing Director
Postal Address	PO Box 785939, Sandton, 2146
Physical Address	2 Medical Road, Midrand, Gauteng
Telephone Number	011 518 7000
E-mail Address	emeaprivacy@its.jnj.com

4. INFORMATION REGULATORS GUIDE

An official Guide has been compiled which contains information to assist a data subject wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

Postal Address:	JD House, 27 Stiemens Street Braamfontein, Johannesburg, 2001
Telephone Number:	+27 (0) 10 023 5207
E-mail Address:	inforeg@justice.gov.za
Website:	https://www.justice.gov.za/inforeg/index.html

5. OBJECTIVES OF THIS MANUAL

5.1. The objectives of this Manual are:

5.1.1. to provide a list of all records held by the legal entities;

- 5.1.2. to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 5.1.3. to define the manner and form in which a request for information must be submitted; and
- 5.1.4. to comply with the additional requirements imposed by POPIA.

6. **SECTION 52 NOTICE**

No notice has been published.

7. **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

Unless disclosure is prohibited in terms of legislation, regulation or otherwise records that are required to be made available in terms of these acts by interested parties shall be done so in consideration of the prescribed manner of the relevant act. Consideration by the Information Officer will be given to requests for Records under the following legislation, as amended:

- Basic Conditions of Employment Act 75 of 1997;
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Carbon Tax Act 15 of 2019
- Companies Act 71 of 2008;
- Consumer Protection Act 68 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
- Convention on Agency in the International Sale of Goods Act 4 of 1986;
- Copyright Act 98 of 1978;
- Currency and Exchanges Act 9 of 1933;
- Customs and Excise Act 91 of 1964;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Export Credit and Foreign Investments Insurance Act 78 of 1957;
- Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972;
- Genetically Modified Organisms Act 15 of 1997];
- Health Professions Act 56 of 1974;

- Income Tax Act 58 of 1962;
- Insolvency Act 24 of 1936;
- Intellectual Property Laws Rationalisation Act 107 of 1996;
- International Trade Administration Act 71 of 2002;
- Labour Relations Act 66 of 1995;
- Medical Schemes Act 131 of 1998;
- Medicines and Related Substances Act 101 of 1965;
- National Health Act 61 of 2003;
- National Minimum Wage Act 9 of 2018;
- National Qualifications Framework Act 67 of 2008;
- Occupational Health & Safety Act 85 of 1993;
- Patents Act 57 of 1981;
- Pension Funds Act 24 of 1956;
- Pharmacy Act 53 of 1974;
- Prescription Act No 68 of 1969;
- Prevention of Organized Crime Act No 121 of 1998;
- Promotion of Access to Information Act 2 of 2000;
- Protected Disclosures Act 26 of 2000;
- Protection of Personal Information Act 4 of 2013;
- Regional Services Councils Act No 109 of 1985;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- Road Traffic Act 29 of 1989;
- Road Traffic Management Corporation Act 20 of 1999;
- Skills Development Levies Act 9 of 1999;
- Skills Development Act 97 of 1998;
- South African Reserve Bank Act 90 of 1989;
- Trade Marks Act No 194 of 1993;
- Unemployment Insurance Contributions Act 4 of 2002;

- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

8. ENTRY POINT FOR REQUESTS

- 8.1. PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- 8.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable Janssen to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance.
- 8.3. The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 8.4. The Information Officer will facilitate the liaison with the internal legal team on all of these requests.
- 8.5. All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 3 above.

9. RECORDS HELD BY JANSSEN

Personnel Information:

These records include employment contracts of all Janssen employees, employment policies and remuneration details.

Business records of Janssen:

Financial records, including:	<ul style="list-style-type: none"> • statutory books of account; • budget reports; • bank reports; • audited financial statements; • audit reports; and • insurance records.
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Formal records, including:	<ul style="list-style-type: none"> • agendas; and • minutes of meetings
Internal communications, including:	<ul style="list-style-type: none"> • e-mails; • memoranda; and • intranet
External communications, including:	<ul style="list-style-type: none"> • letters; • e-mails; and • faxes.
Personnel records, including:	<ul style="list-style-type: none"> • agreements; • records of employment; • remuneration; • training; • human resources policies and procedures; • employee records; and • Employment equity plan
Customer related records, including:	<ul style="list-style-type: none"> • agreements; and • records of commercial transactions.
Supplier related records, including:	<ul style="list-style-type: none"> • agreements; and • records of commercial transactions.
Company secretarial records and Company organisational structure documents, including:	<ul style="list-style-type: none"> • Memoranda and Articles of Association • Financial records • Operational records • Intellectual property

Other records, including:	<ul style="list-style-type: none"> • Information relating to Janssen; • Research information belonging to Janssen or carried out on behalf of a third party • Production records; • Safety, health & environment (SHE) records; • Information technology records and databases; and • Production registration records.
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10. AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via Janssen website about Janssen is automatically available and need not be formally requested in terms of this Manual.

11. DISCLOSURES ON REQUEST

11.1. Janssen maintain records on the categories and subject matters listed in clause 9. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

11.2. Please note further that many of the records held by Janssen are those of third parties, such as clients and employees, and Janssen takes the protection of third-party confidential information very seriously. For further information on the grounds of refusal of access to a record please see below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

12. INFORMATION AVAILABLE IN TERMS OF POPIA

Categories of personal information collected by Janssen

Janssen may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

The purpose of processing personal information

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which personal information is processed by Janssen will depend on the nature of the personal information and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the personal information is collected.

In general, personal information is processed for purposes of dealing with complaints under the CPA, procurement purposes, records management, security, employment and related matters.

A description of the categories of data subjects

Janssen holds information and records on the following categories of data subjects:

- Employees / personnel of Janssen;
- Any third party with whom Janssen conducts business;
- Contractors of Janssen;
- Suppliers of Janssen.

(This list of categories of data subjects is non-exhaustive.)

The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the personal information, Janssen may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;

- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and other relevant legislation, Janssen may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Janssen operates.

Planned transborder flows of personal information

If a data subject visits Janssen's websites from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.

Janssen may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation and ensure appropriate contractual and other measures are in place to protect the data subject's personal information when it is transferred

These countries may not have data-protection laws which are similar to those of South Africa.

A general description of information security measures to be implemented by Janssen

Janssen takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Janssen takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

13. **REQUEST PROCEDURE**

Completion of the prescribed form

Any request for access to a record from a public body in terms of PAIA must substantially correspond with the "Form C" included in Appendix A hereto, which can also be found on www.sahrc.org.za.

The requester is required to complete all text fields in "Form C" in full and in a legible form providing all the necessary information to enable the Information Officer to identify:

- the records requested;

- identity of the requestor (and if an agent is lodging the request, proof of capacity). You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity;
- the form of access required;
- the postal address, email address or fax number of the requester in the Republic;
- if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right. The said "Form C" should be submitted via email to Emeaprivacy@its.inj.com. Once "Form C" has been submitted, the appointed information officer will notify the requester of the prescribed fee (if any) payable before further processing the request.

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you. Failure to provide all necessary information to allow the request to be processed will result in a delay in the process until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.

The information officer may server the record, if possible, and grant access only to that portion requested and which is not prohibited from being disclosed.

POPIA provides that a data subject may, upon proof of identity, request Janssen to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Janssen must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

Payment of the prescribed fees

In terms of POPIA, a data subject has the right to request Janssen to confirm, free of charge, whether or not it holds personal information about the data subject. However, both in terms of PAIA and POPIA, Janssen is entitled to levy a prescribed fee (as set out in **Appendix B**) for

the provision of records of personal information about the data subject or third parties in its possession.

The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

Timelines for consideration of a request for access

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed, or unless the requester has submitted special reasons to the satisfaction of the Information Officer that circumstances dictate that the aforementioned time periods not be complied with.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

Grounds for refusal of access and protection of information

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put Janssen (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Janssen.

Section 70 PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is

an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

14. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

15. AVAILABILITY OF THIS MANUAL

Copies of this Manual are available for inspection, free of charge, at the offices of Janssen and on their websites, where appropriate.

Appendix A –



J752

REPUBLIC OF SOUTH AFRICA

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:

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:

Grid for identity number: 12 empty boxes

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:

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2. Reference number, if available:

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

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
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.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
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*
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)		
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)

*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:

.....

.....

.....

.....

.....

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?

.....
.....

Signed at this day..... ofyear
.....

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

Appendix B - FEES IN RESPECT OF PRIVATE BODIES

1. The “request fee” payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is R50
2. The “fees for reproduction” referred to in section 52(3) and “access fees” payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are as follows:
 - (a) for every photocopy of an A4-size page or part thereof R1 - R10
 - (b) for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0 - R75
 - (c) for a copy in a computer-readable form on: (i) stiffy disc R7 - R50; (ii) compact disc R70
 - (d) (i) for a transcription of visual images, for an A4-size page or part thereof R40; (ii) for a copy of visual images R60
 - (e) (i) for transcription of an audio record, for an A4-size page or part thereof R20; (ii) for a copy of an audio record R30
 - (f) To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search.

The actual postal fee is payable when a copy of a record must be posted to a requester Exemptions from paying “access fees”

Person or persons exempted from paying access fees:-

- (i) A single person whose annual income does not exceed R14,712.00; or
- (ii) Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00

Appendix C - FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION
11(3) OF POPIA**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

How to access the form:

Kindly go to <https://www.janssen.com/southafrica/about> and access the data subject access request form in the privacy policy under the “choices and access” clause.

Appendix D - FORM 2

**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, 2018**

How to access the form:

Kindly go to <https://www.janssen.com/southafrica/about> and access the data subject access request form in the privacy policy under the “choices and access” clause.