

ACCESS TO INFORMATION MANUAL OF ALCON SOUTH AFRICA (PTY) 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 promote 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 Alcon Laboratories South Africa (Pty) Ltd (Alcon SA) information manual and provides reference on how to access the records held by Alcon SA.

3. ABOUT ALCON SA

Alcon provides high-quality affordable healthcare solutions that address the evolving needs of patients and societies. We are a world leader in generic healthcare. Further general information about Alcon SA, its operations and activities can be obtained from the website at www.Alcon.com.

4. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection on the Alcon SA website at www.Alcon.com. The manual is further available for viewing as a hard copy at the office of the Company Secretary at Magwa Crescent West, Waterfall City, Jukskei View, Johannesburg.

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 Alcon SA. Requests pursuant to the provisions of the Act should be directed as follows:

Information Officer : **The Head of Legal & Compliance (Mrs Mayuri Naidoo)**
Postal address : **P.O. Box 154, Isando 1600**
Street address : **Magwa Crescent West, Waterfall City, Jukskei View, Johannesburg**

Business phone : **+2711 5450387**

E-mail address : Mayuri.Naidoo@Alcon.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 going onto the website alternatively by contacting our Information Officer:

- Public statutory records as kept by the Companies and Intellectual Property Commission of South Africa;
- The following information about Alcon SA is provided on www.Alcon.com :
 - About Alcon (Group Overview, Alcon's Global Presence and Board of Directors);
 - Investor Relations (including Alcon's Annual Reports, reviews and IFRS financial statements);
 - Information about the company's 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 Alcon SA and to help the requester to gain a better understanding of the main business activities of the Alcon SA. Further assistance in identifying the records held by Alcon SA 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 Alcon's 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 Alcon SA 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 Alcon or a third party, if the record contains:
 - Trade secrets;
 - 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 Alcon SA if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of Alcon and/or 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 Alcon SA, which may include:
 - Trade secrets of Alcon SA; and
 - Financial, commercial, scientific or technical information which, if disclosed, could likely cause harm to the financial or commercial interests of Alcon SA.

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”

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

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 Head of Legal & Compliance (Mrs Mayuri Naidoo)**

Street address : **Magwa Crescent West, Waterfall City, Jukskei View, Johannesburg**

Business phone : **+2711 545 0387**

E-mail address : **Mayuri.Naidoo@Alcon.com**

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: _____

Fax number: _____

Telephone 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 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.
- (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:

F. FORM OF ACCESS TO RECORD

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

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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 of the images"
<input type="checkbox"/>		<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 the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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"/>		<input type="checkbox"/>	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.			<input type="checkbox"/> YES <input type="checkbox"/> 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:

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 of20

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 for each hour or part thereof reasonably required for such search and preparation	R34.20
(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 a basis other than that set out in the Act we shall immediately update the list.