

ACDOCO SA (PROPRIETARY) LIMITED
(A PRIVATE BODY)

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 IN
RESPECT OF ACDOCO SA (PROPRIETARY) LIMITED**

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1 INTRODUCTION

- 1.1 This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No.2 of 2000 ("**PAIA**").
- 1.2 The aim of the Manual is to assist potential Requesters to request access to information (documents, records and/or Personal Information) from **ACDOCO SA (Proprietary)** Limited ("**ACDOCO**") as contemplated under PAIA.
- 1.3 The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published and distributed in accordance with PAIA.
- 1.4 A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
- 1.5 The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

2 DEFINITIONS

The following words or expressions will bear the following meanings in this Manual –

- 2.1 "**Customer**" means a natural or juristic person who or which receives services and/or products from ACDOCO;
- 2.2 "**Data Subject**" means the natural or juristic person to whom Personal Information relates;
- 2.3 "**Employee**" means any person who works for, or provides services to, or on behalf of iNova, and receives or is entitled to receive remuneration;
- 2.4 "**Information Officer**" means iNova's designated information officer described in paragraph 6 of this Manual;
- 2.5 "**Information Regulator**" shall bear the meaning ascribed thereto in POPIA;
- 2.6 "**Manual**" means this manual, together with all annexures thereto as amended and made available on the website of iNova and at the offices of iNova from time to time;
- 2.7 "**PAIA**" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder, as may be revised and superseded from time to time;

- 2.8 **"POPIA"** means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder, as may be revised and superseded from time to time;
- 2.9 **"Personal Information"** has the meaning ascribed thereto under POPIA;
- 2.10 **"Processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 2.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.10.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
- 2.10.3 merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, **"Process"** has a corresponding meaning;
- 2.11 **"Requester"** means any person or entity (including any Data Subject) requesting access to a record that is under the control of iNova; and
- 2.12 **"Third-Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of iNova.

3 **SCOPE OF THE MANUAL**

This Manual has been prepared in respect of, and applies to, iNova.

4 **HOW TO USE PAIA TO ACCESS INFORMATION**

(Information provided in terms of section 51(1) of PAIA)

- 4.1 PAIA grants a Requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request in terms of PAIA, the public body must be acting in the public interest.
- 4.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures, and at the prescribed fees.
- 4.3 A guide on how to use PAIA is required to be compiled by the Information Regulator and when same is available, will be accessible (in various official languages) on the Information Regulator's website, our website or you may request a copy of the guide from us by contacting our Information Officer. You may also direct any queries to:

The Information Regulator of South Africa

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

E-mail: infoereg@justice.gov.za / complaints.IR@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/index.html>

Tel: 012 406 4818

Fax: 086 500 3351

5 OVERVIEW OF THE STRUCTURE AND FUNCTIONS OF INOVA

- 5.1 ACDOCO is incorporated and registered in the Republic of South Africa under registration number 2007/007186/07.
- 5.2 ACDOCO is a majority owned subsidiary within the Astley Dye & Chemical Co. Ltd group of companies, which distributes a wide range of market-leading, branded medicines, medical devices, consumer healthcare and consumer personal care products in Africa.
- 5.3 iNova develops and markets a range of healthcare products to South Africa and other selected African countries.

6 CLIENT'S CONTACT DETAILS

(Information required under section 51(1)(a) of PAIA)

Name of Body:	ACDOCO SA (PTY) LTD
Physical & Postal Addresses:	6 Enterprise Close, Frankenwald, 2065, South Africa
Head of Body	Name: Jason Frichol T: +27 11 608 4010 E: k.hampton@inovapharma.com
Information Officer	Name: Victoria Taylor T: +27 82 550 7139 E: v.taylor@inovapharma.com
Deputy Information Officer	Name: Simon Coetzer T: +27 83 788 1111 E: s.coetzer@inovapharma.com

7 iNOVA'S PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

(Information required under section 51(1)(c) of PAIA)

7.1 Purpose of iNova's Processing of Personal Information

- 7.1.1 iNova will Process Personal Information only in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.
- 7.1.2 iNova will retain Personal Information only for as long as is necessary to accomplish iNova's legitimate business purposes or for as long as may be permitted or required by applicable law.
- 7.1.3 iNova Processes the Personal Information it collects to (i) serve customers and market and promote iNova products or services; and (ii) generally to enable performance of business activities and function. Some examples include –
 - 7.1.3.1 to provide you with goods or services requested by you;
 - 7.1.3.2 to enter you in competitions and notify you of the results;
 - 7.1.3.3 to send you job notices;
 - 7.1.3.4 to maintain records of enquiries, complaints and adverse event reports relating to iNova products;
 - 7.1.3.5 to provide you with secure access to iNova websites;
 - 7.1.3.6 to send you information about iNova's products or therapeutic areas that may be of interest to you;
 - 7.1.3.7 to supply you with samples of iNova products;
 - 7.1.3.8 to administer conferences, symposia, expert panels, seminars or other meetings or events;
 - 7.1.3.9 to schedule appointments between you and iNova sales representatives;
 - 7.1.3.10 to report information as required under medicines legislation/regulation;
 - 7.1.3.11 to process payments and carry out other business functions;
 - 7.1.3.12 to investigate complaints; and
 - 7.1.3.13 to comply with any applicable law.
- 7.2 iNova will not use the Personal Information which we collect for any purposes other than those purposes specified in paragraph 7.1.1.

7.3 Categories of Data Subjects and of the Personal Information relating thereto

7.3.1 iNova collects Personal Information directly from the Data Subject and/or from Third Parties, and where iNova obtains Personal Information from Third Parties, iNova will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where iNova is permitted to do so in terms of the applicable laws.

7.3.2 Data Subjects in respect of which Personal Information is Processed include Customers (both direct and indirect), employees, candidates, healthcare professionals and service providers.

7.3.3 Examples of Third Parties from whom Personal Information is collected include; regulatory bodies; other companies providing services to iNova and where iNova makes use of publicly available sources of information.

7.4 Recipients or categories of recipients to whom Personal Information may be supplied

7.4.1 iNova may share your Personal Information with companies within the iNova group of companies, third parties engaged by iNova, or its business partners, to assist it to provide information, goods or services to you. Such third parties or business partners may include –

7.4.1.1 distributors of iNova products;

7.4.1.2 event or competition organisers and travel agents;

7.4.1.3 logistics providers;

7.4.1.4 hosting, data storage or archiving service providers, payment processing and debt collection services;

7.4.1.5 professional advisors;

7.4.1.6 marketing, research and advertising agencies; and

7.4.1.7 mailing houses.

7.4.2 Further, iNova may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law as per statutory authorities and/or the lawful order of any Court or Tribunal. iNova may disclose Personal Information when it believes disclosure is

necessary to comply with the law or to protect the rights, property, or safety of iNova, its Customers, or others.

7.4.3 iNova will comply with POPIA before transferring Personal Information to a Third-Party who is a contractor of iNova. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, iNova will obtain assurances from the Third-Party that it will process Personal Information in a manner consistent with POPIA. Where iNova learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, iNova will take reasonable steps to prevent such use or disclosure.

7.4.4 iNova reserves the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of substantially all of its membership interests and/or assets or other corporate change, including to any prospective purchasers.

7.5 **Planned Transborder Flows of Personal Information**

In carrying out any cross-border transfers, iNova shall adhere to the provisions of POPIA.

7.6 **Information Security Measures**

7.6.1 The security and confidentiality of Personal Information is important to iNova. iNova has implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.

7.6.2 iNova is committed to ensuring that the security measures which protect your Personal Information are continuously reviewed and updated where necessary.

7.6.3 In Processing any Personal Information, iNova shall comply with the following minimum technical and organisational security requirements –

7.6.3.1 **Physical Access** – Access to Personal Information is restricted in the iNova office (in senior Employees' offices), under lock and key, and only to those Employees who need the Personal Information to perform a specific job / task.

7.6.3.2 **Password Protected Documents** – certain iNova documents are password protected.

7.6.3.3 **Unique User Identification and passwords** – Employees each have a unique user ID assigned to them, and a chosen password, for access to their laptop and

therefore their folders and documents, which are subject to strict confidentiality undertakings in terms of iNova's password and confidentiality policy.

7.6.3.4 **Privileges** – iNova ensures that access to Personal Information is limited to Employees on a "need to know" basis.

7.6.3.5 **Systems Review** – iNova conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and applied consistently.

8 **INFORMATION HELD BY INOVA IN TERMS OF PAIA**

(Information required under section 51(1)(e) of PAIA)

8.1 This section of the Manual sets out the categories and descriptions of records held by iNova. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

8.2 **iNova records**

8.2.1 Company registration documents

8.2.2 Minutes of meetings

8.3 **Accounting records**

8.3.1 Financial statements

8.3.2 Banking records

8.3.3 Company tax returns

8.3.4 Customer records and contracts

8.4 **Customer and vendor records**

8.4.1 Customer and vendor details

8.4.2 Customer and vendor contracts

8.5 **Contact details** in relation to

8.5.1 Healthcare professionals

8.5.2 Customers (direct and indirect)

8.5.3 Consumers

8.5.4 Service providers

8.6 Human Resources records

8.6.1 Employee employment records

8.6.2 Payroll details for Employees

8.6.3 Employee policies

8.6.4 Recruitment records

9 INFORMATION KEPT BY iNOVA IN ACCORDANCE WITH OTHER LEGISLATION

(Information required under section 51(1)(d) of PAIA)

9.1 Records are kept in accordance with legislation applicable to iNova, which includes but is not limited to, the following:

9.1.1 Basic Conditions of Employment Act 75 of 1997

9.1.2 Companies Act 71 of 2008

9.1.3 Labour Relations Act 66 of 1995

9.1.4 Promotion of Access to Information Act 2 of 2000

9.1.5 Protection of Personal Information Act 4 of 2013

9.1.6 Tax Administration Act 28 of 2011

9.1.7 Value Added Tax Act 89 of 1991

9.2 Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of PAIA.

10 REQUEST PROCEDURES

10.1 Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of PAIA.

10.2 Form of request

10.2.1 The Requester must use the prescribed form to make the request for access to a record, which form is attached hereto as Annexure "A". This must be made to the

Information Officer at the address or electronic mail address of the body concerned (see s 53(1) of PAIA).

10.2.2 The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed (see s 53(2)(a) and (b) and (c) and (e) of PAIA).

10.2.3 The Requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (see s 53(2)(d) of PAIA).

10.2.4 If a request 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 satisfaction of the head of the private body (See s 53(2)(f) of PAIA).

10.3 Fees

10.3.1 Request fees:

10.3.1.1 The Information Officer must by notice require the Requester to pay the prescribed request fee (if any) before further processing the request (see s 54(1) of PAIA).

10.3.1.2 The fee that the Requester must pay to a private body is R50. The Requester may lodge an application to the court against the tender or payment of the request fee (See section 54(3)(b) of PAIA).

10.3.2 Access fees and fees for reproduction:

10.3.2.1 If access to a record/s is granted by iNova, the Requester may be required to pay an access fee for the search for and preparation of the records and for reproduction of the record/s. (See section 54(6) of PAIA)

10.3.2.2 The access fees which apply are set out below. iNova can refuse access until such access fees have been paid. (See section 54(5) of PAIA)

	Reproduction	Fee (Rand)

1.	Photocopy of an A4-size page or part thereof provided in hard copy or via scanned copy sent via email	R1.10 per page
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75 per page
3.	A copy of, in a computer readable form on compact disc	R70.00
4.	Transcription of visual images on an A4-size page or part thereof	R40.00 per page
5.	Copy of visual images	R60.00
6.	Transcription of an audio record on an A4-size page or part thereof	R20.00
7.	Copy of an audio record	R30.00

10.4 **Decision on request**

10.4.1 After the Information Officer has made a decision on the request, the Requester will be notified using the required form. *(See section 56(1)(b) of PAIA)*

10.4.2 If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure *(see s 54(6) of PAIA)*.

11 **TIMELINES FOR CONSIDERATION OF A REQUEST**

(See section 56 and 57 of PAIA)

11.1 Requests for access by a Requestor will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary. Such considerations include –

11.1.1 where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored);

- 11.1.2 where the request requires a search for records in, or collection of such records from, an office of iNova located far away from Johannesburg;
 - 11.1.3 consultation among divisions of iNova or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original 30-day period;
 - 11.1.4 more than one of the circumstances contemplated in paragraphs 11.1.1, 11.1.2 and 11.1.3, exist in respect of the request making compliance with the original period not reasonably possible; or
 - 11.1.5 the Requester consents in writing to such extension.
- 11.2 If an extension is necessary, you will be notified with reasons for the extension. If the Information Officer fails to communicate a decision on a request, such a request is then deemed to have been refused.

12 **GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS**

(See chapter 4 of Part 3 of PAIA)

- 12.1 Requests for access by a Requestor **must** be refused by the Information Officer if –
- 12.1.1 the disclosure would involve the unreasonable disclosure of personal information about a third party (natural person), including a deceased individual (*See section 63 of PAIA*);
 - 12.1.2 the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition (*See section 64 of PAIA*);
 - 12.1.3 the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (*See section 65 of PAIA*);
 - 12.1.4 the disclosure could reasonably be expected to endanger the life or physical safety of an individual (*see section 66(a) of PAIA*);
 - 12.1.5 the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (*See section 67 of PAIA*); or

12.1.6 the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage (*See section 69 of PAIA*).

12.2 Requests for access by a Requestor may be refused by the Information Officer if –

12.2.1 the disclosure would be likely to prejudice or impair: (i) the security of: (aa) a building, structure or system, including, but not limited to, a computer or communication system; (bb) a means of transport; or (cc) any other property; or (ii) methods, systems, plans or procedures for the protection of: (aa) an individual in accordance with a witness protection scheme; (bb) the safety of the public, or any part of the public; or (cc) the security of property contemplated in subparagraph (i) (aa), (bb) or (cc) (*See section 66(b)*);

12.2.2 the record:

- (a) contains trade secrets of iNova;
- (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of iNova;
- (c) contains information, the disclosure of which could reasonably be expected:
 - (i) to put iNova at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice iNova in commercial competition; or
- (d) is a computer program, as defined in section 1(1) of the Copyright Act No. 98 of 1978, owned by iNova, except insofar as it is required to give access to a record to which access is granted in terms of PAIA; (*See section 68(1) of PAIA*) or

12.2.3 the record contains information about research being or to be carried out by or on behalf of iNova, the disclosure of which would be likely to expose: (a) iNova; (b) a person that is or will be carrying out the research on behalf of iNova; or (c) the subject matter of the research, to serious disadvantage. (*See section 69(2) of PAIA*)

13 REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

13.1 iNova does not have any internal appeal procedures that may be followed once a request to access information has been refused.

13.2 The decision of the Information Officer or deputy information officer is final.

- 13.3 If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further. (*See section 78 of PAIA*)

14 OTHER INFORMATION HELD BY iNOVA AS PRESCRIBED

(Other information as may be prescribed under section 51(1)(a)(ii))

The Minister of Justice and Constitutional Development has to date not made any regulations regarding disclosure of other information.

15 AVAILABILITY OF THE MANUAL

(Availability of Manual under section 51(3))

- 15.1 This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of iNova. Copies of the Manual may be made, subject to the prescribed fees.
- 15.2 Copies may also be requested from the Information Regulator.
- 15.3 The Manual is also posted on iNova's website referred to above.

16 PRESCRIBED FORMS AND FEE STRUCTURE

(Prescribed forms and fee structure in respect of private bodies)

The forms and fee structure prescribed under PAIA are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development (www.doj.gov.za), under the 'regulations' section as well as the SAHRC website (www.sahrc.org.za).

ANNEXURE "A" – FORM C – PRESCRIBED FORM TO MAKE REQUEST FOR ACCESS

Form C
Request for access to record of private body

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 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: _____

_____ 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: _____

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: _____

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: _____ _____ _____
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Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1 If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2 If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	Copy the images*	<input type="checkbox"/>	transcription of the images*
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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)
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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* (stiffy or compact disc)
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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 of _____ 20 _____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

