



# Discovery Limited

## Access to Information Manual

(VERSION 2.1 OF AUGUST 2021)





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## Document administration

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January 2021	V2	Review to align with POPIA and change ownership	Group Compliance
August 2021	V2.1	Updating of Information Regulator complaints details	Pieter van der Walt

## Document approvals

This Manual was approved by:

Name	Title	Document version	Approval email and date
Zaid Parak	Group Chief Information Security Officer	V2	2021/06/30
Zaid Parak	Group Chief Information Security Officer	V2.1	2021/08/12

## Document reference

Please read this standard operating standard together with the following documents:

	Document name	Document owner
1.	Group Data Privacy Policy	Group Compliance
2.	Request for Information Standard Operating Procedure	Discovery Group Information Governance and Privacy Officer



## Contents

1. Introduction.....	5
2. Purpose of PAIA and POPIA .....	5
3. Access to the Information Manual.....	6
4. Contact details of the Discovery Information Officer .....	6
5. Guide on how to use the Promotion of Access to Information Act 2 of 2000 .....	6
6. Automatic disclosure.....	7
7. Types and categories of records .....	7
Records held in accordance with other legislation .....	7
8. Subject categories of records .....	8
Employee records .....	8
Client-related records.....	9
Discovery company records.....	9
Third-party records .....	9
9. Processing details.....	10
Purpose of the processing .....	10
Employee data .....	10
Client data .....	10
Third-party data .....	10
Categories of data subjects .....	11
Recipients to whom personal information may be supplied.....	11
Transborder flows of personal information .....	12



Security measures .....	12
10. Grounds for refusal of access to records.....	13
11. Access procedure .....	13
Access to health information or records .....	14
Third-party notification .....	14
12. Notification of decision .....	15
13. Remedies available when Discovery refuses a request for information.....	15
Complaints to the Information Regulator .....	16
Application to court.....	16
<b>Annexure 1: Prescribed fees.....</b>	<b>17</b>
Payment of Fees.....	17
Request fee.....	17
Access fee .....	17
Reproduction fee .....	17
Deposit .....	17



## 1. Introduction

Your privacy is very important to us, and Discovery is committed to protecting your right to privacy as well as your right to access any information that Discovery has on you.

The Access to Information Manual ('Manual') is prepared in compliance with the Promotion of Access to Information Act 2 of 2000 ('PAIA') and the Protection of Personal Information Act 4 of 2013 ('POPIA'). In terms of this legislation, everyone has the right to access their personal information. The purpose of the Manual is to enable requesters to get the records to which they are entitled in a quick, easy and accessible manner.

The Manual applies to Discovery Limited, its South African subsidiaries and funds administered by Discovery Limited ('Discovery'). The Manual excludes all medical schemes administered by Discovery Health (Pty) Ltd ('Discovery Health').

## 2. Purpose of PAIA and POPIA

PAIA aims to give effect to everyone in South Africa's constitutional right to access their information held by the state or a private body. This information can be accessed for the purpose of exercising or protecting any right contained in the Bill of Rights.

When such a request is made, Discovery is obliged to give access to the requested information, except where the law expressly provides that the information must not be released.

It is important to note that PAIA recognises certain limitations to the right of access to information, which includes:

- Limitations aimed at the reasonable protection of the right to privacy;
- Commercial confidentiality; and
- Effective, efficient, and good governance.

The limitation should be in a manner that balances that right of access to information with any other rights.

The main objective of POPIA is to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.



### 3. Access to the Information Manual

In line with the legislative requirements, this Manual serves as Discovery's information manual, and provides information on both the types and categories of records held by a Discovery. This includes the following:

- A description of the records held by and on behalf of Discovery
- The procedure to be followed
- Any fees payable when requesting access to any of these records

This Manual is available for public inspection as follows:

- At the physical address of any Discovery office
- On the Discovery website
- On request by any person
- From the designated Information Officer

### 4. Contact details of the Discovery Information Officer

The responsibility for administration of any information requests lies with the Information Officer and all requests should be directed to the below contact details.

Information Officer: Pieter van der Walt  
Postal address: PO Box 786722  
Sandton  
2146  
Physical address: 1 Discovery Place  
Sandton  
2146  
Email address: [privacy@discovery.co.za](mailto:privacy@discovery.co.za)  
Website: [www.discovery.co.za](http://www.discovery.co.za)

### 5. Guide on how to use the Promotion of Access to Information Act 2 of 2000

The South African Human Rights Commission compiled an official guide that contains information to assist a person wishing to exercise their right of access to information in terms of PAIA. The same process applies to information sought in terms of POPIA. The Guide on how to use the Promotion of Access to Information Act 2 of 2000 is available at [www.sahrc.org.za](http://www.sahrc.org.za).



As of 30 June 2021, the Information Regulator will be taking over the regulatory mandate functions relating to the Promotion of Access to Information Act (PAIA) 2000.

Postal address: The Information Regulator (South Africa)  
PO Box 31533  
Braamfontein  
2017

Telephone number: +27 10 023 5207

Fax number: +27 11 403 0668

PAIA Complaints email: [PAIAComplaints.IR@justice.gov.za](mailto:PAIAComplaints.IR@justice.gov.za)

POPIA Complaints email: [POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za)

General enquiries email: [infoREG@justice.gov.za](mailto:infoREG@justice.gov.za)

## 6. Automatic disclosure

Discovery has made available a description of categories of records that are automatically available without a person having to request access in terms of this Manual.

The below records are automatically available:

- Brochures
- Trade circulars
- Pamphlets

A prescribed fee, as contained in Annexure 1, may be payable for reproduction of these records.

## 7. Types and categories of records

### RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

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A requester may also request information that is available in terms of other legislation and may request access to related information outside this process. This includes the following legislations:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998



- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Sector Regulation 9 of 2017
- Income Tax Act 58 of 1962
- Insurance Act 18 of 2017
- The Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Medical Schemes Act 131 of 1998 (where it applies to the Administrator of Medical Schemes)
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Short-term Insurance Act 53 of 1998
- Unemployment Insurance Act 63 of 2001
- Value-added Tax Act 89 of 1991

The above is not an exhaustive list of statutes that may require Discovery to keep records.

## 8. Subject categories of records

Discovery retains records in the subjects and categories mentioned below.

### EMPLOYEE RECORDS

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“**Employees**” refers to any person who works for or provides services to or on behalf of Discovery and receives remuneration or is entitled to receiving remuneration. It also refers to any other person who assists in carrying out or conducting the business of Discovery. It includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personal records provided by employees include the following:

- Records provided by a third party relating to Discovery employees
- Conditions of employment as well as other employee-related contractual and legally binding records, including job applications
- Internal evaluation records and other internal records
- Correspondence relating to, or emanating from, employees (both internal and external to the organisation)
- Training schedules and material
- Payment records (and beneficiary payments), including banking details





## CLIENT-RELATED RECORDS

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“**Client**” refers to any natural or juristic person who receives services or procures products from Discovery, with the exception of the medical schemes administered by Discovery Health. “Client” includes prospective clients who submit applications to Discovery, but who ultimately do not become Discovery clients.

Requests for records pertaining to the diagnosis, treatment or health of members of the medical schemes administered by Discovery Health must be submitted to the medical scheme directly. Such requests can be made by following the medical scheme’s PAIA-prescribed process on the medical scheme’s website.

Client-related records include the following:

- Records provided by a client to a third party acting for or on behalf of Discovery
- Records provided by a third party to Discovery (for example, records from a medical practitioner or financial adviser)
- Records generated by or within Discovery relating to its clients
- Transactional records
- Recorded call centre calls
- Correspondence with a client that is implicitly or explicitly of a private or confidential nature
- Records pertaining to a client retrieved from other sources, such as any credit bureau or credit provider’s industry association

## DISCOVERY COMPANY RECORDS

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These records include, but are not limited to, the records that pertain to Discovery’s own affairs. These include the following:

- Financial records
- Operational records
- Information technology
- Communication
- Administrative records, such as contracts and service-level agreements
- Product records
- Statutory records
- Internal policies and procedures
- Human resources records

## THIRD-PARTY RECORDS

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These records include the following:

- Discovery may hold records pertaining to other parties. This includes, without limitation, financial records, correspondence, contractual records, records provided by the other party (for example third-



party beneficiaries or employees of a client), and records that third parties have provided about Discovery's contractors or suppliers.

- Discovery may possess records pertaining to other parties. This includes, but is not limited to, contractors, suppliers and service providers.

## 9. Processing details

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

### PURPOSE OF THE PROCESSING

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#### Employee data

Discovery processes personnel data for business administration purposes, such as for payroll purposes. Employee data is also processed to the extent required by legislation and regulation. For example, Discovery discloses employees' financial information to the Commissioner for the South African Revenue Service in terms of the Income Tax Act 58 of 1962 and employees' special personal information in terms of the Employment Equity Act 55 of 1998.

#### Client data

Discovery processes client-related information as an integral part of its service offering. For example, this could take place during the client application process, in assessing a client's profile and risk, in administering a client's health plan, or for academic research purposes. Discovery may also process data provided to it by credit bureaus or industry regulatory bodies and other sources, including a client's employer, to consider a client's application, to conduct underwriting or risk assessments, or to consider a claim for medical expenses on behalf of a medical scheme.

#### Third-party data

Discovery processes records of other parties for business administration purposes, such as to make a payment to contractors and suppliers.

In performing these various tasks, Discovery may, among other things, collect, collate, process, store and disclose personal information. This includes the following information:

- Personnel, client or private body records that are held by another party, as opposed to the records held by Discovery itself



- Records held by Discovery pertaining to other parties, including, without limitation, financial records, correspondence, contractual records, records provided by the other party, and records that third parties have provided about the contractors or suppliers.

Discovery may keep records pertaining to other parties, including, without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint-venture companies, and service providers.

## CATEGORIES OF DATA SUBJECTS

Discovery holds the following categories of information and records on the following categories of data subject:

Category of data subject	Categories of information and records*
Employees of Discovery	Name, ID number, physical address, health information, disability information, employee benefit information, bank details, tax number, letter of appointment, vehicle registration information, performance records, payslips, training records, CV, records of qualifications, psychometric assessment results, credit check results, criminal record check results, CCTV footage
Clients of Discovery	Name, ID number, address, financial information, credit check results, health information, application form, policy documents, tax number, tax certificates, CCTV footage, call recordings, vehicle and driver registration information
Business partners that Discovery partners with for delivering certain products	Name, registration number, contact details, cashbacks
Third party with whom Discovery conducts its business services	Name, registration number, financial information, contract details
Contractors of Discovery	Name, physical address, registration number, financial information, contract, contractor name, ID number of contractor, CCTV footage, vehicle and driver registration information
Suppliers and vendors of Discovery	Name, registration number, financial information, contract, tender documents

\*This list of categories of information and records is non-exhaustive.

## RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

A requester is any person making a request for access to a record of, or held by, Discovery. The requester is entitled to requesting access to the requester's own information, or information pertaining to third parties,



where the requester has a legitimate interest to protect or is appropriately authorised. The access to information may be subject to a payment of fees in accordance with Annexure 1. Subject to the nature of the data, Discovery may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (such as the National Credit Regulator in terms of the National Credit Act 34 of 2005)
- Any court, administrative or judicial forum, arbitration, statutory commission or ombud making a request for data held by Discovery in terms of the applicable rules (such as the Competition Commission in terms of the Competition Act 89 of 1998)
- South African Revenue Service, or another similar authority
- A contracted third party who requires this information to provide a healthcare service to a client or any dependants on the client's health plan
- Third parties with whom Discovery have a contractual relationship for the retention of data (for example, a third-party archiving services)
- Research or academic institutions
- Auditing and accounting bodies (internal and external)
- Anyone making a successful application for access in terms of PAIA
- Subject to the provisions of POPIA and the National Credit Act 34 of 2005, Discovery 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 Discovery operates

## TRANSBORDER FLOWS OF PERSONAL INFORMATION

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Discovery may transfer personal information to a third party who is in a foreign country to administer certain services. However, Discovery may only do so subject to the provisions of POPIA. Academic or market research may be conducted by a company within the Discovery Group and/or by a contracted research and survey provider, which may be inside or outside South Africa.

## SECURITY MEASURES

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Discovery takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in Discovery's possession or under its control. Discovery takes appropriate technical and organisational measures designed to ensure that personal data remains protected and secure against unauthorised or unlawful processing or access, and against accidental loss, destruction or damage.



## 10. Grounds for refusal of access to records

Discovery may refuse a request for information on the following basis:

- Mandatory protection of the privacy of a third party who is a natural person, if supplying the information 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 or intellectual property of that third party
  - Financial, commercial, scientific or technical information, if the disclosure would likely cause harm to the financial or commercial interests of that third party
  - Information disclosed in confidence by a third party to Discovery, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation
- Mandatory protection of the safety of individuals and the protection of property
- Mandatory protection of records that would be regarded as privileged in legal proceedings;
- The commercial activities of Discovery, which may include:
  - Trade secrets of Discovery
  - Intellectual property of Discovery
  - Financial information that, if disclosed, could put Discovery at a disadvantage in negotiations or commercial competition
  - A computer program, algorithm, actuarial modelling or application that is owned by Discovery and that is protected by copyright.
- The research information of Discovery or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage
- Requests for information that are clearly frivolous, or which involve an unreasonable diversion of resources.

## 11. Access procedure

A requester requiring access to information held by Discovery must complete the Access Request Form. The form must be submitted to the Information Officer at the postal address, physical address or email address provided. The requester must pay an access request fee (and a deposit, if applicable).

- The Access Request Form must contain enough details to enable the Information Officer to identify:
  - The records requested
  - The proof of identity of the requester
  - The form of access required if the request is granted
  - The email address, postal address or fax number of the requester.
- If the request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request. This information must be to the reasonable satisfaction of the Information Officer and the requester must clearly disclose the right they wish to protect.



- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requester will be informed whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, the requester must state the manner and the particulars so required.

## ACCESS TO HEALTH INFORMATION OR RECORDS

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Where a request is made for access to information or a health record about the physical or mental health or wellbeing (“health information or records”) of the requester or person acting on behalf of a person to whom a record relates, and the Information Officer is of the opinion that the direct disclosure of such health information or record would cause serious harm to the requester’s physical and/or mental health or wellbeing, the Information Officer may, before granting the request for access, consult with a health practitioner nominated by the requester.

The following conditions apply for nominating a health practitioner:

- In the requester is under the age of 16 years, then a person having parental responsibilities must nominate the health practitioner.
- If the requester is incapable of managing their own affairs, then a legal representative or other person appointed by the court to manage their affairs must nominate the health practitioner.

If the health practitioner is of the opinion that the disclosure of the health information or record would likely cause serious harm to the requester’s physical and/or mental health or wellbeing, the Information Officer may only grant access to the health information or record if the requester proves, to the satisfaction of the Information Officer, that adequate provision has been made for counselling or other arrangements before, during or after the disclosure of the health information or record to alleviate or avoid the harm to the requester.

Before the requester is given access to the health information or record, the person responsible for such counselling or arrangements must be given access to the health information or record.

## THIRD-PARTY NOTIFICATION

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Discovery will take all reasonable steps to inform a third party to whom a requested record relates if the disclosure of that records would involve the disclosure of any of the following:

- Personal information about that third party
- Trade secrets of that third party
- Financial, commercial, scientific or technical information (other than trade secrets) of that third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party
- 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



- 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 the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research, to serious disadvantage.

In addition, Discovery will take all reasonable steps to inform a third party to whom a requested record relates if the disclosure of that records would lead to any of the following:

- Prejudice to that third party in commercial competition
- An action for breach of a duty of confidence owed to a third party in terms of an agreement

Discovery will inform the third party as soon as reasonably possible, but in any event, within 21 days after that request is received.

Within 21 days of being informed of the request, the third party may do one of the following:

- Make written or oral representations to the Information Officer, explaining why the request for access should be refused
- Give written consent for the disclosure of the record to the requester.

Discovery will notify the third party of the outcome of the request. If the request is granted, adequate reasons for granting the request will be given.

The third party may lodge a complaint to the Information Regulator or an application with a court against the decision within 30 days after notice is given, after which the requester will be given access to the record after the expiry of the 30-day period.

## 12. Notification of decision

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

The 30-day period, within which Discovery has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the information cannot reasonably be obtained within the original 30-day period. The period may be extended if the request is for a large amount of information, or the request requires Discovery to search for information held at another office of Discovery.

## 13. Remedies available when Discovery refuses a request for information

The decision of the Information Officer is final and binding. Discovery does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer may exercise external remedies at their disposal.



All complaints by a requester or a third party can be made to the Information Regulator or a court, in the manner prescribed below.

## COMPLAINTS TO THE INFORMATION REGULATOR

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The requester or third party may submit a complaint in writing to the Information Regulator, within six months of the decision, alleging that the decision was not compliance with the provisions of the legislation.

The Information Regulator will investigate the complaint and reach a decision, which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee. The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

## APPLICATION TO COURT

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An application to court maybe brought in the ordinary course. For this purpose, any reference to an application to court includes an application to a relevant Magistrate's Court.





## Annexure 1: Prescribed fees

### PAYMENT OF FEES

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Payment details can be obtained from the Information Officer. Payment can be made by direct deposit into the nominated Discovery bank account. Proof of payment must be attached to the Access Request Form along with the other required documentation.

The following fees are (or may be) payable:

- Request fee
- Access fee
- Reproduction fee

#### Request fee

The requester must pay an initial request fee when submitting the Access Request Form. The prescribed fee is set out below in Annexure 1.

#### Access fee

If the request for access is successful, an access fee must be paid prior to the release of the records by Discovery. This fee is for the search, reproduction and/or preparation of the record(s). The access fee will be calculated based on the prescribed fees set out below in this annexure.

#### Reproduction fee

This fee applies to documents or records that are voluntarily disclosed (see 'Automatic Disclosure' in the Discovery Access to Information Manual). This is for reproduction, copying and transcribing the relevant documents or records. The reproduction fee will be calculated based on the prescribed fees set out below in this annexure.

#### Deposit

If the search for, and the preparation of, the record for disclosure would, in the opinion of the Information Officer, require more than 6 hours, the requester may be required to pay as a deposit one third of the access fee (the fee which will be payable if the request is granted).

If a deposit has been paid in respect of a request for access which is subsequently refused, then the Information Officer must refund the deposit in full to the requester.

The requester must pay the prescribed fee before any processing, or any further processing, can take place.

Discovery reserves the right to waive the fees payable subject to the type and categories of information requested as well as the effort required to provide access to the requested information. The requester may



lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request and access fees or deposit if Discovery declines the requester's request to waive the fees.

Where Discovery receives a request for access to information held on a person other than the requester and the Information Officer, upon receipt of the request, is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable to the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

**Please note:** In terms of Regulation 8, value-added tax (VAT) must be added to all fees prescribed in terms of the Regulations. Therefore, the fees reflected above include VAT.

<b>REPRODUCTION FEES</b>	
Where Discovery has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records will be a fee for reproduction of the record in question.	
<b>Applicable fees for reproduction (including VAT)</b>	<b>Amount in rand</b>
For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.85
For a copy in a computer-readable form on compact disc	79.80
A transcription of visual images for an A4-size page or part thereof	45.60
For a copy of visual images	68.40
A transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20
<b>Request fees</b>	
Where a requester submits a request for access to information held by Discovery on a person other than the requester, the request fee is payable up-front before the institution will further process the request received.	50.00
<b>Access fees</b>	
An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act, or an exclusion is determined by the Minister in terms of section 54(8).	
<b>Applicable fees (including VAT)</b>	
For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.85
<b>Applicable fees for a copy in a computer-readable form (including VAT)</b>	



Compact disc	79.80
A transcription of visual images for an A4-size page or part thereof	45.60
For a copy of visual images	68.40
A transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	34.20
Where a copy of a record needs to be posted the actual postal fee is payable.	TBC