

# **Winstel Telecom (Proprietary) Limited**

## **– 2018/241492/07**

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## **Section 1: Introduction**

The Promotion of Access to Information Act, No 2 of 2000 (herein referred to as the Act) prescribes that a Private Body<sup>i</sup> must provide details of records<sup>ii</sup> held by such Body so that any request for information can be accommodated.

The details of records kept by a Private Body are contained in a book commonly known as a manual. The manual therefore relates to the records kept by the Private Body.

## **Section 2: Rights of access and grounds of refusal**

A requestor must be given access to any record of a Private Body if (As per Section 50):

- That record is required for the exercise or protection of any right
- That person complies with the procedural requirements of the Act, relating to the request for access to that record
- Access to that record is not refused in terms of any grounds for refusal contemplated by the Act.

The grounds of refusal are as follows (As per Sections 63 to 70)

- Mandatory protection of the privacy of a third party who is a natural person
- Mandatory protection of commercial information of third party
- Mandatory protection of certain confidential information of a third party
- Mandatory protection of the safety of individuals, and the protection of property
- Mandatory protection of records privileged from production in legal proceedings
- Commercial information of a private body
- Mandatory protection of research information of a third party and of research

Requests to Private Bodies which might be in connection with a record, as per Sections 63, 64, 65 and 69, regarding third parties, shall be dealt with as follows (As per section 71)

- The Head of the Body considering the request must take all reasonable steps to inform the third party to whom or which the record relates, within 21 days of receipt of the request.
- The third party may within 21 days after receiving the notification, notify the Head of the Body why the request should be refused or by written consent allow for the disclosure of the record to the requestor.

### **Section 3: Guide to the Act**

Relating to the Guide on how to use the Act, as per Section 10 of the Act, the South African Human Rights Commission has published the guide and is available at their offices, the details of which are as follows:

The PAIA Unit at the South African Human Rights Commission

The Research and Documentation Department  
Private Bag X 2700  
HOUGHTON  
2014

Telephone: +2711-484-8300  
FAX: +2711-484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### **Section 4: Details of the Head of the Body**

As per the requirements of Section 51 of the Act, the contact details of the Head of the Body<sup>iii</sup> are as follows:

Full Name: Roland Edward Hide  
Title: PAIA Officer  
Physical address: Accumulo House, Building 11B  
Bedfordview Office Park  
3 Riley Road  
Bedfordview  
2008  
Postal address: P O Box 75157  
Gardenvue  
2008  
Telephone: +27-11-450-1255  
Fax: +27-11-450-1313  
E-mail: [paia@accumulo.co.za](mailto:paia@accumulo.co.za)

## Section 5: Voluntary disclosure and automatic availability

Categories of records which are open for inspection as per Section 52(1)(a)(i) of the Act, are as follows: (Records available due to other legislation)

- |                                                                          |                                                                                                                                 |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Statutory obligation</li> </ul> | Register of Members and Register of Directors as per the Companies Act, No71 of 2008                                            |
| <ul style="list-style-type: none"> <li>• Statutory obligation</li> </ul> | Record of transaction between a consumer and the company acting as a supplier as per the Consumer Protection Act, No 68 of 2008 |

Categories of records which are open for inspection as per Section 52(1)(a)(ii) of the Act, are as follows: (Records available for purchase of copy from the Private Body)

- Financial Records
  - Annual Financial Statements
  - Management accounts

Categories of records which are open for inspection as per Section 52(1)(a)(iii) of the Act, are as follows: (From the Private Body free of charge)

- Additional records: None identified

The following categories of records are held by the company.

- Additional records held under a legal or statutory obligation
- Customer related records (agreements, records of commercial transactions etc)
- Financial records
- Formal Records (Agenda, Minutes of meetings etc)
- Information Technology Records;
- Supplier related records (agreements, records of commercial transactions etc)

## Section 6: Request procedure

As per Section 52(1)(b), the manner in which an applicant can obtain access to the records is as follows:

- The requestor shall file the prescribed “Form C” of Annexure B (As per Section 53(1) and Regulation 10), with the Head of the Body, and where the requestor is a non personal requestor, pay at least one third of the required access fee (As per Section 54 and Regulation 11), as per the fees set out in schedule 1.
- On receipt of the application, the Head of the Body will within 30 days (As per Section 56(1)), consider the application
- If the request is granted, the requestor shall by notice be notified of the access fees payable if applicable and the form in which access shall be given.

- If the request is refused, the requestor shall by notice be notified of the refusal, which shall state adequate reasons for the refusal and will exclude any content of the record requested.

## **Section 7: Records available as per other legislation**

All records which are required by other legislation, which have not been voluntarily disclosed or automatically made available, will be considered and include records from the following legislation:

- Companies Act, No 71 of 2008
- Consumer Protection Act, No 68 of 2008
- Basic Conditions of Employment Act, No 75 of 1997
- Compensation for Occupational Injuries and Health Diseases Act, No 130 of 1993
- Currency and Exchanges Act, No 9 of 1993
- Customs and Excise Act, No 91 of 1964
- Electronic Communications and Transactions Act, No 2 of 2000
- Employment Equity Act, No 55 of 1998
- Income Tax Act, No 58 of 1962
- Insolvency Act, No 24 of 1936
- Intellectual Property Laws Amendments Act, No 38 of 1997
- Labour Relations Act, No 66 of 1995
- Occupational Health and Safety Act, No 85 of 1993
- Regional Services Councils Act, No 109 of 1985
- Regulation of Interception of Communications Act, No 70 of 2002
- Skills Development Act, No 97 of 1998
- Skills Development Levies Act, No 9 of 1999
- Unemployment Contributions Act, No 4 of 2002
- Unemployment Insurance Act, No 63 of 2001
- Value Added Tax Act, No 89 of 1991

**Section 8: Payment of fees and method of payment**

Payments shall be in the form of cash or by deposit into the bank account of the company.

**Section 9: Updating of the manual**

The manual shall be updated every twelve months after the publication of the first manual if necessary.

**Section 10: Availability of the Manual**

The manual shall be available in places prescribed by the Legal Deposit Act, No 54 of 1997, and at the offices of the Head of the Body as set out in Section 3.

### Schedule 1:

As per part III of Annexure A of the Act, the fees in respect of a private body are as follows for a personal requestor:

1. The fee for copy a manual of an A4 page or part thereof R1.10
2. The fees for reproduction are as follows:
  - (a) For every photocopy of an A4 page or part thereof R1.10
  - (b) For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine readable form R0.75
  - (c) For a copy in a computer-readable form on:
    - (i) Stiffy disc R7.50
    - (ii) Compact disc R70.00
  - (d) (i) For a transcription of visual images , for an A4-size page or part thereof R40.00  
(ii) For a copy of visual images R60.00
  - (e) (i) For a transcription of an audio record, for an A4-size page of part thereof R20.00  
(ii) For a copy of audio record R30.00

As per part III of Annexure A of the Act, the fees in respect of a private body are as follows for a non personal requestor<sup>iv</sup>:

1. The request fee R50.00
2. The access fees are as follows:
  - (a) For every photocopy of an A4 page or part thereof R1.10
  - (b) For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine readable form R0.75
  - (c) For a copy in a computer-readable form on:
    - (iii) Stiffy disc R7.50
    - (iv) Compact disc R70.00
  - (d) (i) For a transcription of visual images , for an A4-size page or part thereof R40.00  
(ii) For a copy of visual images R60.00
  - (e) (i) For a transcription of an audio record, for an A4-size page of part thereof R20.00



- (ii) For a copy of audio record R30.00
- (f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation R30.00
3. With regards to the deposit (As per Section 54(2)), the following applies
- (i) Six hours as the hours to be exceeded before a deposit is payable; and
  - (ii) One third of the access fee is payable as a deposit by the requestor
4. The actual postage is payable when a copy of a record must be posted to a requestor.

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<sup>i</sup> Any juristic person who is not part of government, any municipality or performs a public function.

<sup>ii</sup> Records mean any recorded information, regardless of form or medium, under the control of the body no matter how or whom created it.

<sup>iii</sup> In the case of a juristic person, this is the chief executive officer, or someone acting as or appointed by the chief executive officer

<sup>iv</sup> Means a requester seeking access to a record containing personal information about the requester