



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

This Manual applies to information held by:

iBurst (Pty) Ltd, (“iBurst”)

The Manual is available on our website www.iburst.co.za or is available for inspection, free of charge at our physical address as contained herein. Copies of it can be obtained from the South African Human Rights Commission.

In terms of section 51(2) of the Promotion of Access to Information Act, this Manual will be updated as and when the need arises.



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

1.INTRODUCTION	3
2.OBJECTIVES OF MANUAL.....	3
3.LIST OF RECORDS AND INFORMATION	3
4.ENTRY POINT FOR REQUESTS.....	3
5.WHO MAY REQUEST INFORMATION OR RECORDS IN TERMS OF THE ACT.....	4
6.REQUEST PROCEDURE.....	5
7.REQUEST FEES.....	5
8.GRANTING OR REFUSAL OF REQUESTS.....	5
9.APPEAL.....	6
10.THE HUMAN RIGHTS COMMISSION GUIDE.....	6
11.OTHER LEGISLATION IN TERMS OF WHICH INFORMATION MAY BE REQUESTED - SECTION 51 (1) (D).....	6
12.IN TERMS OF SECTION 51 (1) (E) OF THE PAIA THE FOLLOWING RECORDS AND INFORMATION MAY BE ACCESSED THROUGH CORRECT REQUESTS IN TERMS OF THE PAIA AND THIS MANUAL.....	7
13.FORM C.....	9
14.CHARGE SHEET.....	12



ACCESS TO INFORMATION MANUAL

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1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("the Act") came into operation on 9 March 2001. The Act seeks to give natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

Section 51 of the Act obliges private bodies to compile a Manual which would assist a person to obtain access to information held by such a private body and stipulates the minimum requirements a manual has to comply with. Section 51 requires a manual to contain the following:

- Postal and street address, phone and fax number and, if available, the electronic mail address of the head of the private body;
- A description of the guide referred to in section 10 of the Act, *if available*, and how to obtain access to it.
- Categories of information available without formal request, *if any*.
- A description of the records available in accordance with any other legislation
- A description of the subjects on which the body holds records and the categories of records held on each subject,
- Such other information as may be prescribed.

2. OBJECTIVES OF MANUAL

The objectives of this Manual are:

- To provide a list of all records held by the aforementioned company
- To set out the requirements with regard to who may request information in terms of the Act as well as the grounds on which a request may be denied;
- To define the manner and form in which a request for information must be submitted;

3. LIST OF RECORDS AND INFORMATION

This information is listed in clause 11 and 12 of this Manual

4. ENTRY POINT FOR REQUESTS

In order to ensure that the aforementioned iBurst company complies with the Act the Managing Director of the mentioned company has designated iBurst Customer Services as the *only* entry point through which any request in terms of the Act must be channelled.



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

All requests in terms of the Act must be addressed to:

IBURST CUSTOMER SERVICES:

PHYSICAL ADDRESS

iBurst
66 Park Lane Avenue
Sandton
2196

POSTAL ADDRESS

iBurst
P O Box 651921
Benmore
2010

OTHER

Telephone: (011) 676 6000
Facsimile: (011) 676 6200

5. WHO MAY REQUEST INFORMATION OR RECORDS IN TERMS OF THE ACT

5.1 The Purpose for which Information is required

The Act provides that a person may only request information in terms of the Act, *if the information is required for the exercise or protection of a right.*

Information will therefore not be furnished unless a person clearly provides sufficient particulars to enable the company to identify the right the requester is seeking to protect as well as an explanation of why the requested information is required for the exercise or protection of that right.

5.2 Requester Categories:

The capacity in which a requester requests information will determine the category he or she falls in. Please note that the requester category has a bearing on the charges pertaining to the access to information(See *pages 6 & 7*).

Requesters have been classified into four categories:

- A Personal Requester: - requests personal information *about himself/herself.*
- A Representative Requester: - requests information *on behalf of someone else.*
- A Third Party Requester: - requests personal information *of another person.*
- A Public Body: - requests information *in the public interest.*



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

6. REQUEST PROCEDURE

6.1 Completion of Form C

Any request for information in terms of this Act must be contained in Form C. (See Page 9). This formality is prescribed by the Act.

Form C must be completed in full and returned to iBurst Customer Services together with any other information that the mentioned company require in order to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act will be forwarded back to the requester with advice on the necessary steps for compliance. This includes Forms that are not completed in full.

iBurst Customer Services will not consider a request unless it is contained in Form C. iBurst Customer Services will make copies of the mentioned form available on request.

6.2 Proof of Identity:

Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will, in addition to Form C, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

7. REQUEST FEES

Section 54 of the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act. The fees that may be charged have been published by the Minister of Justice and are set out on page 13.

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

8. GRANTING OR REFUSAL OF REQUESTS

All requests complying with the requirements set out above will be processed and considered expeditiously.

Please note that the Act stipulates the following grounds for refusing requests for information:

- Mandatory protection of the privacy of a third party who is a natural person [section 63]



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

- Mandatory protection of commercial information of a third party [section 64]
- Mandatory protection of certain confidential information of a third party [section 65]
- Mandatory protection of safety of individuals and protection of property [section 66]
- Mandatory protection of records privileged from production in legal proceedings [section 67]
- Commercial information of the private body [section 68]
- Mandatory protection of research information of third party and of the private body [section 69].

Whatever decision is taken, the requester will be given notice of the decision in writing. The Act requires that such notification be given within 30 days of the decision being made. In case of a request being refused, the notification will include the reasons for the refusal.

Please note that iBurst Customer Services may extend the thirty-day notice period if it is necessary due to the nature of the request and the amount of time required to gather the requested information. The requester will however be given notice of the extension prior to the 30 day period's expiry.

9. APPEAL

The Act does not require a company to establish an internal appeal structure for the purpose of allowing a requester who is aggrieved by a decision of the company to appeal such a decision. This requirement only applies to a public body.

A requester aggrieved by iBurst's decision must therefore approach a court of law.

The Human Rights Commission's Guide might contain information on appeal procedures.

10. THE HUMAN RIGHTS COMMISSION GUIDE

Section 10 of the Act imposes a duty on the Human Rights Commission to "compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably required by a person who wishes to exercise any right contemplated in the Act

Details on how to obtain access to the mentioned guide were at the time of publication of this Manual not available. The Human Rights Commission may be contacted in this regard on the Human Rights Advice Line at **0860 120 120**, during office hours between Monday and Friday.

11. OTHER LEGISLATION IN TERMS OF WHICH INFORMATION MAY BE REQUESTED - SECTION 51 (1) (d)

Information is furnished in terms of legislation other than the Promotion of Access to Information Act, as and when requested in terms of the relevant legislation below:

Criminal Procedure Act, 1977, Act 51 of 1977;
Companies Act, 61 of 1973;



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

Competition Act, Act 89 of 1998;
Pension Funds Act, Act 24 of 1956;
General Laws 6 Amendment Act, 204 of 1993;
Environmental Conservation Act, 1989;
Aviation Act, Act 74 of 1962;
Drugs and Drug-trafficking Act, Act 140 of 1992;
Interception and Monitoring Prohibition Act, Act 127 of 1992;
Prevention of Organised Crime Act, Act 121 of 1998;
Public Prosecution Authority Act, Act 32 of 1998;
Inside Trading Act, Act 135 of 1998;
Intelligence Services Act No 38 of 1994;
Unemployment Insurance Act, Act 30 of 1966;
Consumer Affairs Act, Act 23 of 1999;
Income Tax Act, Act 58 of 1962;
Value Added Tax Act, Act 89 of 1991;
Basic Conditions of Employment Act; Act 75 of 1997;
Labour Relations Act; Act 127 of 1998;
Occupational Health and Safety Act; Act 85 of 1993;
Compensation for Occupational Injuries and Diseases Act;
Skills Development Act, Act 97 of 1998;
Skills Development Levies Act; Act 9 of 1999;
Employment Equity Act; Act 55 of 1998;
Accounting Principals Act and all accounting records;
Electronic Communications and Transactions Act, Act 25 of 2002
National Credit Act, Act 34 of 2005
Electronic Communications Act, Act 36 of 2005
Regulation of Interception of Communications and Provision of Communication-Related Information Act; Act 70 of 2002

12. IN TERMS OF SECTION 51 (1) (E) OF THE PAIA THE FOLLOWING RECORDS AND INFORMATION MAY BE ACCESSED THROUGH CORRECT REQUESTS IN TERMS OF THE PAIA AND THIS MANUAL.

Statutory Records and Information.

Companies Act, 61 of 1973;
All Acts, returns and records concerning Tax, specifically Income Tax and VAT ;
Basic Conditions of Employment Act;
Labour Relations Act;
Occupational Health and Safety Act;
Compensation for Occupational Injuries and Diseases Act;
UIF - payments, returns and records;
Skills Development Act, returns and records;
Skills Development Levies Act returns and records;
Employment Equity Act and records;
Salary and remuneration records;
Asset register;
Accounting Principals Act and all accounting records;
All other statutory information and records;

General Records and Information.



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

Appraisal and valuation of properties;
Appraisal of movable assets;
Document Audit;
Insurances;
Legal records - litigation and agreements;
List of Resellers;
List of intellectual property;
Records concerning Transport;
All other acceptable records and Information;

Company Records and Information.

Financial;
Terms and conditions of service;
Employee records and files;
Contracts of Employment;
Codes of Conduct - Grievance, Discipline, Sexual Harassment etc;
HIV and AIDS Awareness campaign and staff training information;
Records of staff disciplinary hearings;
Records of and information pertaining to Training;
Correspondence;
Leases;

Marketing and Sales records.

Group sales and marketing records;
Brochures, pamphlets, posters and leaflets;
Television, radio, magazine and newspaper adverts



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

13. 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

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 name and surname: _____
Identity number: _____
Postal address: _____
Fax number: _____
Telephone number: _____
Email 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 name and surname: _____
Identity number: _____



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

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 TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

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:		
<i>Mark the appropriate box with an X.</i>			
<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 to 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 <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</i>			
<input type="checkbox"/> view the images	<input type="checkbox"/> Copy of the images* <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* <input type="checkbox"/> images		
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)		
* 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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; text-align: center;">Yes</td> <td style="width: 50%; border: none; text-align: center;">No</td> </tr> </table>	Yes	No
Yes	No		

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request or access to the record?

Signed at _____ this _____ day of _____ 20_____

MADE

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS

14. CHARGE SHEET



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2/2000 REQUESTS

<p style="text-align: center;">REQUESTER'S DETAILS</p> <p>Name _____</p> <p>—</p> <p>Address _____</p> <p>—</p> <p>_____</p> <p>—</p>	<p>PREPARED BY: DEPT: _____</p> <p>Name _____</p> <p>Date _____</p> <p>Signature _____</p> <p>Approved (Manager) _____</p>
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1. ACCESS FEES FOR REPRODUCTION				
1.1	For every photocopy of an A4-size page or part thereof	R 1.10		
1.2	For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75		
1.3	For a copy in a computer-readable form on stiffer disc	R 7.50		
1.4	For a copy in a computer-readable form on compact disc	R70.00		
1.5	For a transcription of visual images for an A4-size page or part thereof	R40.00		
1.6	For a copy of visual images	R60.00		
1.7	For a transcription of an audio record for an A4-size page or part thereof	R20.00		
1.8	For a copy of an audio record	R30.00		
2. ACCESS FEE FOR TIME SPENT				
2.1	The time reasonably required to search for the record for disclosure and preparation	R30.00/hr or part of		
3. REQUEST FEE				
3.1	For a request for access to a record by a person other than a personal requestor	R50.00		
4. DEPOSIT				
4.1	One third of the access fee is payable as a deposit by the requester			
4.2	Six hours as the hours to be exceeded before a deposit is payable			
5. POSTAL FEE				
5.1	When a copy of a record must be posted to the requestor	R9.75		
6. APPEAL FEES				
6.1	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record	R 50.00		
7. VAT				
7.1	Private bodies registered under the Value Added Tax Act, 1991 May add VAT to all the above-mentioned fees			
8.1	TOTAL			