

ZAWEBBS

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

Comprising

ZAWebs cc
ZAWebHosts cc
ZAWeb Designs cc

both jointly and severally and which are referred to both individually and collectively as

“ZAWebs”

Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

This manual applies in respect of each member of ZAWebs Group as set out in this manual and as ZAWebs Group may change from time to time. The Information Officer named below is appointed in respect of ZAWebs and each of the private bodies constituting ZAWebs.

ZAWebs Overview

ZAWebs provides Internet Services to its customers, in both the corporate and home market.

ZAWebs supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

Information Required Under Section 51(1) (A) Of The Act

1. Contact details

Name of business: ZAWebs

Designated person: Justin Walker

Street address: 12 Monmouth Road, Sherwood, Port Elizabeth, 6025

Postal address: 12 Monmouth Road, Sherwood, Port Elizabeth, 6025

Telephone number: 041-379 1052

E-mail address: justin@zawebs.com

2. The section 10 Guide on how to use the Act

The guide is available on the website of the SAHRC.

The Guide is also available from the South African Human Rights Commission. Please direct any queries to:

**The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041**

Telephone: +27 11 877 3600
Fax: 043 722 7830
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

3. Records available in terms of any other legislation

Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act No. 68 of 2008
Employment Equity Act No.55 of 1998
Income Tax Act No. 58 of 1962
Labour Relations Act No. 66 of 1995
Occupational Health and Safety Act No. 85 of 1993
Prevention of Organised Crime Act No. 121 of 1998
Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
Security Services Act No. 36 of 2004
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
Electronic Communications and Transactions Act 25 of 2002.
Telecommunications Act 103 of 1996
Electronic Communications Act 36 of 2005
ICASA Act 13 of 2000
Film and Publications Act 65 of 1996
Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002

4. Access to the records held by the private body

- i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2):

Not applicable.

- ii. Records that may be requested:

Internal Records:

The following are records pertaining to ZAWeb's own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licences
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;

Human Resources:

Personnel refers to any person who works for or provides services to or on behalf of ISP X and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of ISP X. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to ZAWebs by their personnel;
- Any records a third party has provided to ZAWebs about any of their personnel;

- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

Customer records

Please be aware that ZAWebs is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act. Customer information includes the following:

- Any records a customer has provided to ZAWebs or a third party acting for or on behalf of ZAWebs;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to ZAWebs about customers;
- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to ZAWebs either directly or indirectly; and
- Records generated by or within ZAWebs pertaining to customers, including transactional records.

Operations:

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to ZAWebs. The following records fall under this category:

- Personnel, customer or ZAWebs records which are held by another party as opposed to being held by ZAWebs; and
- Records held by ZAWebs pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

Finances:

- Accounting and audit records
- Financial statements
- Assets inventory

iii The request procedures:

Form of request: (ANNEXURE A)

- The requester must use the prescribed form to make the request for access to a record. This must be made to the designated person mentioned in Par 1. This request must be made to the address, fax number or electronic mail address of ZAWebs.
- The requester must provide sufficient detail on the request form to enable the Designated Person to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Designated Person.

Fees:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The Designated Person will notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) before further processing the request.
- The request fee that the requester must pay to ZAWebs is R150. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the Designated Person has made a decision on the request, the requester will be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the

prescribed hours to search and prepare the record for disclosure as prescribed in Government Gazette No 22125 of 2001 as amended. Regulation 5(1).

5. Other information as may be prescribed

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

5. Availability of the PAIA manual

The manual is available for inspection at the offices of ZAWebs free of charge. Copies are also available with the SAHRC and on the ZAWebs website at www.zawebs.co.za.

FORM C

REQUEST FOR ACCESS TO RECORDS OF A 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:
ZAWebs
P.O. Box 10399
Linton Grange
Port Elizabeth
6015

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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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
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 for 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:

	copy of record*		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)

	view the images		copy of the images"		transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information derived from the record"
			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.			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:

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