

TELKOM SA SOC LIMITED

MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (“THE ACT”)

[The PAIA Act is available online at http://www.gov.za/sites/www.gov.za/files/a2-00_0.pdf and the amendments listed are on <http://www.gov.za/documents/promotion-access-information-act>]

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1. DEFINITIONS

1.1 Information Officer

Means the chief executive officer, or equivalent officer, of that public body or the person who is acting as such.

1.2 Private Body

Means:

- a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- b) a partnership which carries or has carried on any trade, business or profession;
- c) former or existing juristic person, but excludes a public body.

1.3 Public Body

Means:

- a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- b) any other functionary or institution when –
 - i. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - ii. exercising a public power or performing a public function in terms of any legislation.

1.4 Record

Means any recorded information:

- a) regardless of form or medium;
- b) in the possession or under the control of that public or private body, respectively; and
- c) whether or not it was created by that public or private body, respectively.

1.5 Requester

- a) In relation to a public body, means any person (other than a public body contemplated in the above mentioned definition or an official thereto – making a request for access to a record of that public body; or
- b) a person acting on behalf of the person referred to.

2. SCOPE

PAIA ENGLISH MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ('THE ACT').

3. INTRODUCTION

- a. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.
- b. The Act also requires a public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. Telkom SA SOC Limited ("Telkom") is a public body under paragraph (b)(ii) of the definition of "public body" in section 1 of the Act. In terms of section 8 of the Act a public body referred to in paragraph (b)(ii) referred to above may either be a public body or a private body in relation to a record of that body. This document serves as Telkom's manual with regard to information or records in relation to which Telkom is a public body.

4. PARTICULARS IN TERMS OF SECTION 14

4.1 Structure and functions – [Section 14(1)(a)]

- a. Telkom is a public company incorporated in terms of the company laws of the Republic of South Africa under registration number 1991/005476/30. The shares of Telkom are held as to 39.8% by the government of South Africa (through the Minister of Communications).
- b. Telkom has the following subsidiaries:
 - i. Swiftnet SOC Ltd (100%);
 - ii. Trudon (Pty) Ltd formerly known as TDS Directory Operations (Pty) Ltd (64.9%);
 - iii. VS Gaming (Pty) Ltd (100%);
 - iv. Rossal No 65 (Pty) Ltd (100%);
 - v. Intekom (Pty) Ltd (100%);
 - vi. Business Connexion Group Limited (100%);
 - vii. Gyro Properties (Pty) Ltd (100%); and
 - viii. Gyro Group (Pty) Ltd (100%).
- c. The main business of Telkom is to provide:
 - i. electronic communications services to the public in terms of the licences (The Electronic Communications Network Licence and the Electronic Communications Services Licence) issued to it by the Minister of Communications;
 - ii. information technology services to the public; and
 - iii. services provided through the Data Center Operation.

4.2 Contact Details – [Section 14(1)(b)]

- a. The Chief Information Officer of Telkom is:

Name:	Mr Siphon Maseko
Postal Address:	Private Bag X260 PRETORIA, 0001
Physical Address:	Telkom Park 61 Oak Avenue Highveld Technopark, CENTURION, 0157
Phone Number:	+27 12 311 5252
Fax Number:	+27 12 680 6078
E-mail:	paia@telkom.co.za

- b. The Chief Information Officer has duly authorized the person below as Deputy Information Officer to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Deputy Information officer: George Candiotes
Postal Address: Private Bag X808
PRETORIA, 0001
Physical Address: Telkom Park
61 Oak Avenue
Highveld Technopark, CENTURION, 0157
Phone Number: +27 12 311 6547
Fax Number: +27 86 490 0566
E-mail: paia@telkom.co.za

4.3 The Section 10 Guide – [Section 14(1)(c)]

The South African Human Rights Commission will, in terms of section 10 of the Act, compile a guide on the use of the Act. This guide will be available from the South African Human Rights Commission not later than August 2003 at the following address:

Private Bag X2700
HOUGHTON, 2041
Tel: +27 11 484 8300
Fax: +27 11 484 0582
E-mail: PAIA@sahrc.org.za
Website: www.sahrc.org.za

4.4 Processes and procedures for requesting information or records – [Section 14(1)(d)]

- a. The requester must use the prescribed form to make the request for access to a record. The request must be made to the Deputy Information Officer whose contact details are set out in paragraph 4.2.b above. The request must be made to the address, fax number or electronic mail address of such Deputy Information Officer set out in paragraph 4.2.b above.
- b. The requester must provide sufficient particulars on the request form to enable the Deputy Information Officer to identify the record requested and the requester.
- c. The requester should also indicate which form of access is required.
- d. The requester must state whether the record concerned is preferred in any particular language.
- e. The requester should also indicate if he or she wishes to be informed of the decision on the request in any other manner and state that manner and the necessary particulars to be informed.
- f. If the request is made on behalf of another person, the requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- g. The Deputy Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- h. A requester whose request for access to a record has been granted must pay an access fee for the reproduction and for the searching and preparation of the copies or transcriptions of the content of the record requested and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.

- i. The Deputy Information Officer will inform the requester of his decision within 30 days after receipt of the request or may extend that period by a further period not exceeding 30 days. The period within which the Deputy Information Officer will inform the requester of his decision is subject to such extension as may be required to give a third party the chance to make representations to the Deputy Information Officer where the record requested is with regard to the record of that third party.
- j. In the event that Telkom refuses to give the requester access to requested records, the requester may lodge an application with a court of law for Telkom to be ordered to give the requester access to the requested records.
- k. If the court orders Telkom to grant the requester access to the requested records, the requester must pay the access fee contemplated in paragraph 4.4.h above, before access to such records can be granted.

4.5 Grounds for Refusal of Access to Records – [Part II Chapter 4]

- a. The Deputy Information Officer shall, subject to other provisions of the Act, refuse a request for information or record if that information or record relates to:
 - i. mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
 - ii. mandatory protection of the commercial information of a third party, if the record contains:
 - 1. trade secrets of that third party;
 - 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 3. information supplied in confidence by a third party to Telkom, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - iii. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - iv. mandatory protection of the safety of individuals and the protection of property;
 - v. mandatory protection of records which would be regarded as privileged in legal proceedings;
 - vi. the information about research being or to be carried out by or on behalf of a third party where such disclosure would likely expose that third party or the person that is or will be carrying on the research on behalf of that third party or the subject matter of the research to serious disadvantage.
- b. The Deputy Information Officer may refuse a request for information or record if that information or record relates to:
 - i. information that was supplied by a third party, in confidence, the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and it is in the public interest that such information, or information from the same source should continue to be supplied;
 - ii. mandatory protection of safety of individuals and protection of property;
 - iii. mandatory protection of law enforcement and legal proceedings;
 - iv. the commercial activities of Telkom, which may include:
 - 1. trade secrets of Telkom;
 - 2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Telkom;

3. information which, if disclosed could put Telkom at a disadvantage in negotiations or commercial competition;
4. a computer program which is owned by Telkom and which is protected by copyright;
- v. information about research being or to be carried out by or on behalf of Telkom, the disclosure of which would likely to expose Telkom or the person that is or will be carrying out the research on behalf of Telkom or the subject matter of the research, to serious disadvantage;
- vi. an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation that has occurred, including but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or to take a decision in the exercise of a power or performance of a duty conferred or imposed by law;
- vii. requests that are frivolous or vexatious or involve an unreasonable diversion of Telkom resources;
- viii. any other right to refuse as allowed under PAIA.

4.6 The subjects of the records held by Telkom and the categories in which these subjects are classed [Section 14(1)(d)], which are known as Category 1 documents, where a formal request for such documents as per the provisions set out under 4.4 must be made

Telkom holds the following records and information which is categorized in the following categories:

4.6.1 Company secretarial Records

- a. Memorandum of Incorporation;
- b. Combined Company Register;
- c. Minutes of meetings of the Board, its Committees and the Executive Committee;
- d. Statutory Returns;
- e. Powers of Attorneys;
- f. Delegation of Authority;
- g. Share Certificates; and
- h. Board Charter and Committee Charters.

4.6.2 Movable and Immovable Property

- a. Title Deeds;
- b. Lease Agreements;
- c. Hire Agreements;
- d. Hire-purchase Agreements;
- e. Credit Sale Agreements; and
- f. Ordinary and Conditional Sale Agreements.

4.6.3 Intellectual Property

- a. Trade Marks;
- b. Patents;
- c. Copyright;
- d. Designs;
- e. Know-how; and
- f. Licences.

4.6.4 Insurance

- a. Policies; and
- b. Insurance claim files.

4.6.5 Taxation

- a. Income tax returns;
- b. VAT returns;
- c. PAYE returns;
- d. RSC Levy returns; and
- e. UIF returns.

4.6.6 Human Resources

- a. Policies and procedures;
- b. Employee information;
- c. Employment agreements;
- d. Forms and applications;
- e. Standard letters and notices;
- f. Payroll reports;
- g. Payslips;
- h. IRP5's;
- i. Accident books and records;
- j. Workplace and Union agreements and records;
- k. Employee benefits arrangements rules and records;
- l. Safety, Health and Environmental records;
- m. Labour disputes;
- n. Disciplinary Code;
- o. Grievance Procedure; and
- p. Employee training.

4.6.7 Finance

- a. Audited annual financial statements;
- b. Management accounts;
- c. Banking details and bank accounts;
- d. Debtors/Creditors statements and invoices;
- e. General ledgers and subsidiary ledgers;
- f. General ledger reconciliation; and
- g. Policies and Procedures.

4.6.8 Procurement

- a. Policies and Procedures/Manuals;
- b. Reports and Supporting documentation;
- c. Tender documentation;
- d. Standard Terms and Conditions for supply of Services, Products and Software to Telkom;
- e. Contractor, client and supplier agreements and information; and
- f. Security documents.

4.6.9 Operations

- a. Billing;
- b. Customers;
- c. Telecommunications traffic;
- d. Network;
- e. Tariffs;
- f. Products;
- g. Interconnect;

- h. Inter-operator settlements;
 - i. Policies and Procedures; and
 - j. Any agreements related to the operations of Telkom.
- 4.6.10 Legal
- a. Contracts (Wholesale, Retail and Commercial);
 - b. Commercial disputes;
 - c. Litigation/Arbitration register;
 - d. Complaints in terms of the Competition Act and the Consumer Protection Act, etc.;
 - e. Standard Terms and Conditions for the provision of mobile and fixed line communication services; and
 - f. Disputes.
- 4.6.11 Regulatory
- a. Permits, licences, consents, approvals, authorisations, applications, registrations and exemptions;
 - b. Submissions to ICASA;
 - c. Submissions to parliament; and
 - d. Disputes.
- 4.6.12 Information Technology
- a. System documentation and manuals;
 - b. Project, disaster recovery and implementation plans;
 - c. Internet policy documentation; and
 - d. Computer policy documentation.
- 4.6.13 Administration
- a. Intranet; and
 - b. Correspondence with internal and external parties.

4.7 Records Automatically Available [Section 14(1)(e)]

Records that are automatically available to the public are all records of Telkom lodged in terms of government requirements such as the Registrar of Deeds, all records in the booklet and pamphlets published by Telkom and all records available on Telkom's website.

4.8 Services that Telkom provides to the public and how to gain access to them

- a. Telkom provides the following services to the public:
 - i. Basic Telephone Services;
 - ii. the installation and connection of Terminal Connection Equipment of an item of Customer Premises Equipment capable of making use of the Basic Telephone Services;
 - iii. maintenance and/or repair of the item of Customer Premises equipment supplied by Telkom or the maintenance and repair of Customer Premises Equipment supplied by other persons, pursuant to the terms and conditions of an agreement entered into between Telkom and the owner or lessor of the Customer Premises Equipment;
 - iv. Public Pay-Telephone Services;
 - v. Public Emergency Call Services;
 - vi. Directory Information Services; and
 - vii. Information Technology Services.

- b. The public can gain access to the services provided by Telkom if the person who request such services satisfies the requirements set out below:
 - i. meets the credit worthiness requirements set out in Schedule C of Telkom’s public switched telecommunication services licence;
 - ii. has entered, or is willing to enter, into a contract with Telkom for the purposes of being provided with such services;
 - iii. has not attempted to obtain such services from Telkom by corrupt, dishonest or illegal means; and
 - iv. has not, or is not going to, use or permit the use of such services for any illegal purpose.
- c. A person who requires to be provided with the services contemplated in paragraph 4.8.a(i) to (iii) above, must visit Telkom’s Client Services branch situated in the area where he lives to apply for such services.
- d. Business and/or Corporate clients who needs services from Telkom may approach the relevant Marketing Department of Telkom.

4.9 Influencing policy formulation or exercise of powers

The Department of Communications (“DoC”) and the Independent Communications Authority of South Africa (“ICASA”) formulate the policies and regulations within which Telkom operates, respectively. Before such policies and regulations are made effective they are published for public input and comments. Any members of the public who wish to influence the policy formulation or the exercise of powers by Telkom must give their comments to the DoC and ICASA when such policies are being made.

4.10 Remedies available to the public in respect of an act by, or failure of, Telkom to act

The public has the following remedies in respect of an act by, or a failure of Telkom, to act:

- a. to lay a complaint against Telkom with ICASA; or
- b. to lay a complaint against Telkom with the Competition Commission; or
- c. to lay a complaint against Telkom with the Consumer Commission; or
- d. to commence legal proceedings against Telkom in a court of law; or
- e. to request access to information.

4.11 Other Information as may be prescribed [Section 14(1)(i)]

No information has been prescribed in terms of this section.

4.12 Availability of the Manual [Section 14(3)]

This manual has been made available to the Human Rights Commission, in accordance with paragraph 4(1) of the Regulations promulgated in terms of the Act and is published on the website of Telkom (www.telkom.co.za).

4.13 Prescribed Fees in respect of Public Bodies

- a. The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before Telkom contact persons can make any records requested available to the requester.

b. The fee for a copy of the manual as contemplated in regulation 5(c) is R0.60 for every photocopy of an A4-size page or part thereof.

c. The fees for reproduction referred to in regulation 7(1) are as follows:

i.	For every photocopy of an A4-size page or part thereof	R0.60
ii.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.40
iii.	For copy in a computer-readable on: 1. Stiffy disc 2. Compact disc	R5.00 R40.00
iv.	For a transcription of visual images: 3. For an A4-size page or part thereof 4. For a copy of visual images	R22.00 R60.00
v.	For a transcription of an audio record: 5. For an A4-size page or part thereof 6. For a copy of an audio record	R12.00 R17.00

d. The request fee payable by a requester, other than a personal requester, referred to in regulation 7(2) is R35.00.

e. The access fees payable by a requester referred to in regulation 7(3) are as follows:

i.	For every photocopy of an A4-size page or part thereof	R0.60
ii.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.40
iii.	For copy in a computer-readable on: 1. Stiffy disc 2. Compact disc	R5.00 R40.00
iv.	For a transcription of visual images: 3. For an A4-size page or part thereof 4. For a copy of visual images	R22.00 R60.00
v.	For a transcription of an audio record: 5. For an A4-size page or part thereof 6. For a copy of an audio record	R12.00 R17.00
vi.	To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R15.00

f. For purposes of section 22(2) of the Act, the following applies:

- i. six hours as the hours to be exceed before a deposit is payable; and
- ii. one third of the access fee is payable as a deposit by the requester.

g. The actual postage is payable when a copy of a record must be posted to a requester.

h. The banking details to be used are as follows:

Pay	Telkom SA Limited
Bank	ABSA Bank
Name	Telkom SA Internet Account
Current account	40-5348-4386
Branch	Pretoria
Branch Code	632005
SWIFT code	ABSAZAJJ
Reference	PAIA

4.14 Prescribed Form

- a. The following Form A has been prescribed in Regulation 6 passed in terms of the Act and should be completed by a requested who wants access to the records of a public body.

FORM A
REQUEST OF ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the promotion of Access to Information Act, 2000)
(Act. No. 2 of 2000)
[Regulation 6]

FOR DEPARTMENT USE	
	Reference number: _____
Request received by _____	
(state rank, name and surname of information officer/deputy information officer) on _____	
_____ (date)	
at _____ (place).	
Request fee (if any):	R.....
Deposit (if any):	R.....
Access fee:	R.....
_____ SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer: _____

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 the 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: _____

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 below, 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 for access 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 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
1. If the 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 of the images*
<input type="checkbox"/>	Transcription of the images*	
3. If the 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)
4. If the 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.		<input type="checkbox"/> YES <input type="checkbox"/> NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record?		

G. 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**