

TELKOM SA SOC LIMITED

MANUAL IN TERMS OF SECTION 51 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:

- a) in the case of a natural person, that natural person or any person duly authorized by that natural person;
- b) in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership;
- c) in the case of a juristic person -
 - i. the chief executive officer or equivalent officer of the juristic person or any person duly authorized by the officer; or
 - ii. the person who is acting as such or any person duly authorized by such acting person.

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

In relation to a private body, means:

- (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- (ii) a person acting on behalf of the person contemplated in subparagraph (i).

2. SCOPE

PAIA ENGLISH MANUAL IN TERMS OF SECTION 51 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 private body under of the definition of “private 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 private body.

3.1 Company Overview

- a. Telkom is a public company incorporated in terms of the company laws of the Republic of South Africa under registration number 1991/006576/30. 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. PARTICULARS IN TERMS OF SECTION 51

4.1 Contact Details – [Section 51(1)(a)]

- a. The Chief Information Officer of Telkom is:

| | |
|-------------------|--|
| Name: | Mr Sipho 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 1104
Fax Number: +27 86 490 0566
E-mail: paia@telkom.co.za

4.2 The Section 10 Guide – [Section 51(1)(b)]

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

4.3 Records Automatically Available – [Section 51(1)(c)]

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 booklets and pamphlets published by Telkom and all records available on Telkom's website.

4.4 Records available in accordance with any other legislation – [Section 51(1)(d)]

Telkom has records available in accordance with the following legislation:

- i. The Occupational health and Safety Act 29 of 1996;
- ii. The Value Added Tax Act 89 of 1991;
- iii. Income Tax Act 58 of 1962;
- iv. Companies Act 71 of 2008;
- v. Electronic Communications Act, 36 of 2005;
- vi. Electronic Communications and Transactions Act 25 of 2002;
- vii. Consumer Protection Act 68 of 2008;
- viii. Competition Act 89 of 1998;
- ix. Basic Conditions of Employment Act 75 of 1997;
- x. Compensation for Occupational Injuries and Diseases Act 130 of 1993;

- xi. Employment Equity Act 55 of 1998;
- xii. Labour Relations Act 66 of 1995;
- xiii. National Environmental Management Act 107 of 1998;
- xiv. Skills Development Levies Act 55 of 1998;
- xv. Trade marks Act 194 of 1993;
- xvi. Unemployment Insurance Act 30 of 1966;
- xvii. Customs & Excise Act 91 of 1964;
- xviii. Skills Development Act 97 of 1998;
- xix. South African Qualifications Authority Act 58 of 1995;
- xx. Statistics Act; and
- xxi. JSE Stock Exchange South Africa Rules and Regulations and listings Requirements.

4.5 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 4.1.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 4.1.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. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- c. The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- d. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of the contact persons of Telkom.
- e. 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.
- f. 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.
- g. If the court orders Telkom to grant the requester access to the requested records, the requester must pay the access fee for the reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.

4.6 Grounds for Refusal of Access to Records – [Part III Chapter 4]

- a. Telkom may 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 disclosed 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 commercial activities of Telkom, which may include:
 - 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 disclosed in confidence by a third party to Telkom, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 4. a computer program which is owned by Telkom and which is protected by copyright;
 - vii. the research information of Telkom or third party, if its disclosure would disclose the identity of Telkom, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- b. Telkom shall refuse a request for information where such requests are frivolous or vexatious or involve an unreasonable diversion of Telkom resources.
 - c. Any other right to refuse as allowed under PAIA.

4.7 A description of the subjects of the records held by Telkom and the categories in which these subjects are classed [Section 51(1)(e)]

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

- a. Company secretarial Records
 - i. Memorandum of Incorporation;
 - ii. Combined Company Register;
 - iii. Minutes of meetings of the Board, its Committees and the Executive Committee;
 - iv. Board Charter and Committee Charters;
 - v. Statutory Returns;
 - vi. Powers of Attorneys;
 - vii. Delegation of Authority; and
 - viii. Share Certificates.
- b. Movable and Immovable Property
 - i. Title Deeds;
 - ii. Lease Agreements;
 - iii. Hire Agreements;
 - iv. Hire-purchase Agreements;
 - v. Credit Sale Agreements; and
 - vi. Ordinary and Conditional Sale Agreements.
- c. Intellectual Property
 - i. Trade Marks;
 - ii. Patents;
 - iii. Copyright;
 - iv. Designs;
 - v. Know-how; and
 - vi. Licences.

- d. Insurance
 - i. Policies; and
 - ii. Insurance claim files.
- e. Taxation
 - i. Income tax returns;
 - ii. VAT returns;
 - iii. PAYE returns;
 - iv. RSC Levy returns; and
 - v. UIF returns.
- f. Human Resources
 - i. Policies and procedures;
 - ii. Employee information;
 - iii. Employment agreements;
 - iv. Forms and applications;
 - v. Standard letters and notices;
 - vi. Payroll reports;
 - vii. Payslips;
 - viii. IRP5's;
 - ix. Accident books and records;
 - x. Workplace and Union agreements and records;
 - xi. Employee benefits arrangements rules and records;
 - xii. Safety, Health and Environmental records;
 - xiii. Labour disputes;
 - xiv. Disciplinary Code;
 - xv. Grievance Procedure; and
 - xvi. Employee training.
- g. Finance
 - i. Audited annual financial statements;
 - ii. Management accounts;
 - iii. Banking details and bank accounts;
 - iv. Debtors/Creditors statements and invoices;
 - v. General ledgers and subsidiary ledgers;
 - vi. General ledger reconciliation; and
 - vii. Policies and Procedures.
- h. Procurement
 - i. Policies and Procedures/Manuals;
 - ii. Reports and Supporting documentation;
 - iii. Tender documentation;
 - iv. Standard Terms and Conditions for supply of Services, Products and Software to Telkom;
 - v. Contractor, client and supplier agreements and information; and
 - vi. Security documents.

- i. Operations
 - i. Billing;
 - ii. Customers;
 - iii. Telecommunications traffic;
 - iv. Network;
 - v. Tariffs;
 - vi. Products;
 - vii. Interconnect;
 - viii. Inter-operator settlements;
 - ix. Policies and Procedures; and
 - x. Any agreements related to the operations of Telkom.
- j. Legal
 - i. Contracts;
 - ii. Commercial disputes; and
 - iii. Litigation.
- k. Regulatory
 - i. Permits, licences, consents, approvals, authorisations, applications, registrations and exemptions;
 - ii. Submissions to ICASA;
 - iii. Submissions to parliament; and
 - iv. Disputes.
- l. Information Technology
 - i. System documentation and manuals;
 - ii. Project, disaster recovery and implementation plans;
 - iii. Internet policy documentation; and
 - iv. Computer policy documentation.
- m. Administration
 - i. Intranet; and
 - ii. Correspondence with internal and external parties.

4.8 Other Information as may be prescribed [Section 51(1)(f)]

No information has been prescribed.

4.9 Availability of the Manual [Section 51(3)]

This manual has been made available to the Human Rights Commission, in accordance with paragraph 9(1) of the Regulations promulgated in terms of the Act and is published on the website of Telkom (www.Telkom.co.za).

4.10 Prescribed Fees in respect of Private 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 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

c. The fees for reproduction referred to in regulation 11(1) are as follows:

| | | |
|-----|--|------------------|
| (a) | For every photocopy of an A4-size page or part thereof | R1.10 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R0.75 |
| (c) | For copy in a computer-readable on: 1. Stiffy disc 2. Compact disc | R7.50 R70.00 |
| (d) | For a transcription of visual images: 3. For an A4-size page or part thereof 4. For a copy of visual images | R40.00 R60.00 |
| (e) | For a transcription of an audio record: 5. For an A4-size page or part thereof 6. For a copy of an audio record | R20.00 R30.00 |

d. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.

e. The access fees payable by a requester referred to in regulation 11(3) are as follows:

| | | |
|-----|---|------------------|
| (a) | For every photocopy of an A4-size page or part thereof | R1.10 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R0.75 |
| (c) | For copy in a computer-readable on: 1. Stiffy disc 2. Compact disc | R7.50 R70.00 |
| (d) | For a transcription of visual images: 3. For an A4-size page or part thereof 4. For a copy of visual images | R40.00 R60.00 |
| (e) | For a transcription of an audio record: 5. For an A4-size page or part thereof 6. For a copy of an audio record | R20.00 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 |

f. For purposes of section 54(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 |

4.11 Prescribed Form

- a. The following Form C has been prescribed in Regulation 10 passed in terms of the Act and should be completed by a requester who wants access to the records of a private body.

FORM C
REQUEST OF 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 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 |
| 2. 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"/> | | <input type="checkbox"/> Transcription of the images* |

| | | |
|--|--|--|
| 3. If the 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 the 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 of _____ 20____

SIGNATURE OF REQUESTER / PERSON