

X-DSL NETWORKING SOLUTIONS PTY LTD

(Registration Number: 2002/024167/07)

Access to Information Manual

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT NO. 2 OF 2000

A. Particulars in terms of Section 51 of the Act

1. Introduction to the Promotion of Access to Information Act

On 9 March 2001 the Promotion of Access to Information Act (“the Act”) came into affect. The Act seeks to advance a culture of transparency and accountability in both public and private bodies.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body.

This manual has been compiled to meet the requirements of the Promotion of Access to Information Act.

2. Introduction to X-DSL Networking Solutions

2.1 X-DSL Networking Solutions (Pty) Ltd is a private body, and has compiled this manual to comply with the provisions of the Act and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

2.2 The head of X-DSL Networking Solutions (Pty) Ltd has been appointed to attend to all matters of compliance relating to the Act.

3. Company contact details

- 3.1 **Name of body:** X-DSL Networking Solutions (Pty) Ltd
- 3.2 **Registration number:** 2002 / 024167 / 07
- 3.3 **Main Objective:** Information Communication Technology Services
- 3.4 **Information Officer:** Martin Van Dyk
- 3.5 **Physical Address:** 272 West Street, Lakefields Office Park
1st Floor, Block D
Corner Lenchen Avenue & West Street
Centurion
Pretoria
0157

- 3.6 **Postal Address:** P.O. Box 11708
Centurion
0046
- 3.7 **Telephone Number:** +27 87 980 0375
- 3.8 **Facsimile Number:** +27 86 673 8150
- 3.9 **Email Address:** accounts@xdsl.co.za
- 3.10 **Website:** www.x-dsl.co.za

4. SECTION 10 - GUIDE ON HOW TO USE THE ACT

In terms of Section 10 of the Act, the Human Rights Commission must compile a guide which guide is intended to assist users in the interpretation of the Act. The guide contains a description of the objects of the Act, the contact details of information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

The South African Human Rights Commission
PAIA Unit Research and Documentation Department
Private Bag 2700
Houghton, 2041
Telephone Number: (011) 484-8300
Fax Number: (011) 484-0582
Email Address: PAIA@SAHRC.org.za
Website: www.sahrc.org.za

5. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

The following categories of records are automatically available for inspection, photocopying or purchase, and need not be requested in terms of the Act:-

- Media Releases
- Current Product and Service Information
- Advertising materials
- Posters

6. INFORMATION/DOCUMENTS AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51(1) of the Act)

The Gijima Group keeps information/documents in accordance with the following legislation (please note that this is not an exhaustive list):-

- 6.1 Basic Conditions of Employment Act No 75 of 1997
- 6.2 Companies Act No 61 of 1973
- 6.3 Compensation for Occupational Injuries and Diseases Act, No.130 of 1993
- 6.4 Employment Equity Act, No. 55 of 1998
- 6.5 Income Tax Act, No. 58 of 1962
- 6.6 Labour Relations Act, No. 6 of 1995
- 6.7 Regional Service Council Act, No. 109 of 1985
- 6.8 Skills Development Act, No. 97 of 1998
- 6.9 Skills Development Levies Act, No. 9 of 1999
- 6.10 Unemployment Contributions Act, No. 4 of 2002
- 6.11 Unemployment Insurance Act, No 63 of 2001
- 6.12 VAT Act, No. 89 of 1991

7. INFORMATION/DOCUMENTS HELD IN TERMS OF THE ACT (Section 51(1)(e) of the Act)

The entities forming part of the Gijima Group, where applicable, holds, including but not limited to, the following records:-

- 7.1 Accounting Records
 - 7.1.1 Books of account including journals and ledgers;
 - 7.1.2 Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange;
 - 7.1.3 Annual Financial Statements;
 - 7.1.4 Quality assurance records, where applicable.
- 7.2 Financial Records
 - 7.2.1 Banking details;
 - 7.2.2 Bank account records;
- 7.3 Company's Secretarial
 - 7.3.1 Company articles of association;
 - 7.3.2 Registers;

- 7.3.3 Minutes of meetings;
- 7.3.4 Other Statutory records;
- 7.3.5 Statutory returns;
- 7.4 Statutory Employee Records
 - 7.4.1 Employee's names and occupations;
 - 7.4.2 Days worked by each employee;
 - 7.4.3 Remuneration paid to each employee;
 - 7.4.4 Date of birth of each employee;
 - 7.4.5 Salary and wage register;
 - 7.4.6 Leave register;
 - 7.4.7 Letters of appointment;
 - 7.4.8 Employment Contracts;
 - 7.4.9 Job descriptions;
 - 7.4.10 Skills development Plan;
 - 7.4.11 Employment Equity Plan;
- 7.5 Personnel Records
 - 7.5.1 Personal records provided by personnel;
 - 7.5.2. Employment contracts;
 - 7.5.3 Payroll records / UIF and Tax returns;
 - 7.5.4 Internal evaluation records and other internal records;
 - 7.5.5 Correspondence relating to personnel;
 - 7.5.6 Training schedules and material and development records;
 - 7.5.7 Disciplinary records;
 - 7.5.8 Request for leave;
 - 7.5.9 Absence record;
 - 7.5.10 Personnel file.
- 7.6 Movable Property
 - 7.6.1 Asset register;
 - 7.6.2 Financing Agreements;
 - 7.6.3 Lease Agreements.
- 7.7 Intellectual Property
 - 7.7.1 Licensing Agreements;

- 7.7.2 Designs, plans, know-how and copyright
- 7.8 Agreements and Contracts
 - 7.8.1 Material agreements concerning provision of services or materials;
 - 7.8.2 Confidentiality and non disclosure agreements;
 - 7.8.3 Joint Venture Agreements;
 - 7.8.4 Consulting Agreements;
 - 7.8.5 Service Levels Agreements with Customers;
 - 7.8.6 Warranty agreements;
 - 7.8.7 Sale agreements;
 - 7.8.8 Distributor and dealer agreements;
 - 7.8.9 Manufacturing and Supply agreements, where applicable;
 - 7.8.10 Restraint agreements;
 - 7.8.11 Sub-Contractor and Supplier agreements.
- 7.9 Taxation
 - 7.9.1 Copies of all income tax returns and other tax returns and documents.
- 7.10 Insurance
 - 7.10.1 Insurance policies
 - 7.10.2 Claim records;
 - 7.10.3 Details of insurance coverage limits and insurers;
- 7.11 Marketing Records
 - 7.11.1 Market information;
 - 7.11.2 Performance records;
 - 7.11.3 Product sales reports;
 - 7.11.4 Marketing and future product strategies;
 - 7.11.5 Customer Information and Database.
 - 7.11.6 Product and Production Records.
- 7.12 Internal Policies and Procedures.

The Gijima Group website is accessible to anyone with access to the internet. It contains a profile on most of the entities forming part of the Gijima Group, its contact particulars, services rendered and fields of expertise.

It is recorded that any and all documents/information requested pertaining to the aforesaid shall only be made available to a requestor subject to the provisions of the Act. Save as contained under 5 above, none of the information/documents held by the company is automatically available without a person having to request access in terms and subject to the provisions of the Act.

8. HOW A PERSON MUST GO ABOUT ASKING FOR RECORDS

8.1 Request procedure:-

A “requester” is any person making a request for access to any records of an entity forming part of the Gijima Group.

The “requester” must comply with all the procedural requirements contained in the Act relating to the request for access to records.

The “requester” must complete the prescribed form enclosed herewith in Annexure A and submit the same as well as payment of the request fee and a deposit, if applicable, to the Information Officer at the postal or physical, fax or electronic mail address as stated above.

The prescribed form must be filled in with sufficient particulars to at least enable Information Officer to identify:

8.1.1 The record or records requested;

8.1.2 The identity of the “requester”, including but not limited to, the requester’s details and capacity (and If a request is made on behalf of another person or entity, then the “requester” must submit proof of the capacity in which the “requester” is making a request to the reasonable satisfaction of the Information Officer and also the ground upon which that person is making the request.);

8.1.3 Which form of access is required, if the request is granted.

8.1.4 The postal address, telephone number and fax number of the “requester”.

8.1.5 The “requester” must state that he/she require the information to exercise or protect her/his right and clearly state what the nature of the right is so to be exercised or protected. In addition, the “requester”

must clearly specify why the records are necessary to exercise or protect such a right.

8.1.6 The Gijima Group will process the request within 30 days, unless otherwise provided in the Act.

8.1.7 The “requester” shall be informed whether the access has been granted or denied. If, in addition, the “requester” requires the reasons for the decision in any other manner, he/she must state the manner of the particulars so required.

8.1.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such person may make the request orally.

8.1.9 The “requester” must pay the prescribed fee, before any further processing can take place and/or the records may be withheld until the fees are paid in full.

9. **FEES**

9.1 The Act provides for two types of fees namely:

- a) A request fee, which will be a standard fee and;
- b) An access fee, which must be calculated by taking into account reproduction cost, search and preparation time and costs, as well as postal costs.

9.2 When the request is received by the Information Officer, such officer shall by notice require the “requester” to pay the prescribed request fee before further processing of the request.

9.3 If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the “requester” to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

9.4 The Information Officer shall withhold the record until the “requester” has paid the fees as indicated in Annexure B hereto.

9.5 A “requester” whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time

reasonably required in excess of the prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.

- 9.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the “requester” with interest at the prescribed rate.

10. REMEDIES AVAILABLE WHEN THE RELEVANT ENTITY OF THE GIJIMA GROUP REFUSES REQUEST FOR INFORMATION

10.1 Internal Remedies

The Gijima Group does not have an internal appeal procedure. As such, the decision made by the Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

10.2 External Remedies

A requester that is dissatisfied with an Information Officer’s refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with an Information Officer’s decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

10.3 Decision

The relevant entity forming part of the Gijima Group will, within 30 days of receipt of the request, decide whether to grant or to decline the request and give notice with reasons, if required, to that effect.

The thirty-day period within which the company has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for vast number of information, or the request requires a search for information held at another office of the Gijima Group and the information cannot reasonably be obtained within the original 30 day period.

The relevant entity of the Gijima Group will notify the requester in writing should an extension be sought.

10.4 Decision making process

In terms of Section 54 of the Act, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of the relevant entity of the Gijima Group, but cannot be found, and if it does not exist, then the Information Officer must notify by way of affidavit or affirmation, the requester that it is not possible to give access to that record. If after notice is given, the record in question is found, the requester must be given access thereto unless the ground for the refusal of access exists.

If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requester wish appeal the decision.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

11. AVAILABILITY OF THIS MANUAL

This manual is available for inspection at the offices of Gijima Info Technologies Afrika (Pty) Ltd as set out above free of charge.

Copies of the manual may be obtained, subject to payment of the prescribed fee at the offices of the said company as set out above.

Annexure A

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY –
(Company name)**

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

A. PARTICULARS OF PRIVATE BODY

The Head:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

<p>(a) The particulars of the person who requests access to the records must be recorded below.</p> <p>(b) Furnish an address and/or fax number in the Republic to which information must be sent.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p>
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Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: () _____

Fax 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 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.***

Description of record or relevant part of the record:

Reference number, if available:

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 therefore.

Reason for exemption from payment of fees:

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, viewing or listening 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: <hr/> <hr/> <hr/>	Form in which record is required: <hr/> <hr/> <hr/>
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Mark the appropriate box with an "X"

NOTES:

(a) Your indication as to the required form of access depends 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 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:

	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)
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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 to copy or transcription to be posted to you?					YES	NO
<i>A postal fee is payable.</i>						

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.

Indicate which right is to be exercised or protected:

Explain why the requested record is required for the exercising 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 thereof 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

Annexure B

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of this manual is R1.10 for every photocopy of an A4 size page or part thereof.
2. Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

These fees for reproduction 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 a copy in a computer readable form on – | |
| | i) stiffer disc | R 7.50 |
| | 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 or part thereof | R20.00 |
| | ii) For a copy of an audio record | R30.00 |
3. The **request fee** payable by a requester, other than a personal requester is R50.00
 4. The **access fee** payable by a requester is as follows:

a)	For every photocopy of an A4 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 machine readable form	R0.75

- c) For a copy in a computer readable form on -
 - i) stifty disc R 7.50
 - 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
 - e) i) For a transcription of an audio record for an A4 size page or part thereof R20.00
 - ii) For a copy of an audio record R30.00
 - f) To search for and prepare a record that must be disclosed, R30.00 for each hour or part of an hour reasonably required for such search and preparation.
5. Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, **a deposit** is payable by the requester.
- One third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.