

SWITCH TELECOM - PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

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.

Overview

Switch Telecom is a licensed electronic communications services and network provider that provides an assortment of telecommunications and telephony services to customers ranging from residential subscribers to small businesses and corporates.

Switch Telecom is a private company incorporated in terms of the company laws of the Republic of South Africa under registration number 2005/037954/07.

Switch Telecom 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.

Availability of this Manual

A copy of this Manual is available on our website (www.switchtel.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission (“SAHRC”) at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

How to request access to Records held by Switch

Requests for access to records held by ISP X must be made on the request forms that are available from our website and office, from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under “regulations”).

A request fee may be payable (the schedule of fees can be accessed below). You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

**SWITCH TELECOM - PROMOTION OF ACCESS TO INFORMATION ACT
 SECTION 51 MANUAL CONTINUED**

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.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of Switch Telecom.

The standard form that must be used for the making of requests can be accessed below. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to Switch Telecom will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by Switch Telecom does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

Contact Details

Name of Private Body	Switch Telecom
Designated Information Officer	Gregory Massel
Email address of Information Officer	enquiries@switchtel.co.za
Postal address	PO Box 110 Woodlands 2080
Street address	Unit 12 (2nd Floor Block A) Corner Main Office Park 2 Payne Road Bryanston 2191
Phone number	087 550 0000
Fax number	011 783 4877

SWITCH TELECOM - PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL CONTINUED

How to access the guide as described in Section 10 of the Act

The Guide described in Section 10 of the Act is due in August 2003. From that date it will be 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

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

Voluntary Disclosure

Switch Telecom has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Switch Telecom and its services is freely available on Switch Telecom's website. Certain other information relating to Switch Telecom is also made available on such website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

Records available in terms of any legislation

- Information is available in terms of the following legislation to the persons or entities specified in such legislation:
- Companies Act 61 of 1973
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 30 of 1966
- 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

SWITCH TELECOM - PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL CONTINUED

Records held by Switch Telecom

Switch Telecom maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Internal Records

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

- Memorandum and Articles of Association;
- Financial records;
- Operational records;
- Licenses;
- Intellectual property;
- Marketing materials;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Switch Telecom.

Personnel Records

Personnel refers to any person who works for or provides services to or on behalf of Switch Telecom and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Switch Telecom. 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 Switch Telecom by their personnel;
- Any records a third party has provided to Switch Telecom 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 Switch Telecom 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 Switch Telecom or a third party acting for or on behalf of Switch Telecom;
- Contractual information;

SWITCH TELECOM - PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL CONTINUED

Customer Records Continued

- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to Switch Telecom 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 Switch Telecom either directly or indirectly; and
- Records generated by or within Switch Telecom pertaining to customers, including transactional records and call detail records.
- Customer needs assessments;
- Personal records of customers;

Technical Records

Records pertaining to Switch Telecom's network and the networks of associated companies including the following:

- Fault records;
- Network monitoring logs and/or graphs;
- Technical specification records;
- Interconnection specifications;
- Equipment configuration guides;
- IP addressing information;

Other Parties

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 Switch Telecom. The following records fall under this category:

- Personnel, customer or Switch Telecom records which are held by another party as opposed to being held by Switch Telecom; and
- Records held by Switch Telecom 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.

Other Records

Further records are held including:

- Information relating to Switch Telecom's own commercial activities; and
- Research carried out on behalf of a client by Switch Telecom or commissioned from a third party for a customer;
- Research information belonging to Switch Telecom, whether carried out itself or commissioned from a third party.

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 / Designated Person:

B. Particulars of Person Requesting Access to the Records

The particulars of the person who requests access to the record must be given below.

- a) The address and/or fax number in the Republic to which the information is to be sent must be given.
- b) Proof of the capacity in which the request is made, if applicable, must be attached.

Particulars of Person requesting access to the Records	
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 ONLY if a request for information is made on behalf of another person	
Full names and surname:	
Identity number:	

D. Particulars of Records

- 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:	

FORM C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY CONTINUED

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 at 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 the 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:	

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.

F. Form of access to Record (Continued)

Mark the appropriate box with an X.	
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 (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	<input type="checkbox"/> view the images <input type="checkbox"/> copy of the images
3. If record consists of recorded words or information which can be reproduced in sound:	<input type="checkbox"/> listen to the recording <input type="checkbox"/> transcription of recording
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 (memory stick or compact disc)
5. 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

FORM C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY CONTINUED

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 requestor 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:	
Date:	
Signature:	Signature of requester/person on whose behalf request is made.