

Promotion of Access to Information ACT Section 51 Manual



frogfoot networks

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.

The following words will bear the following meaning in this manual:-

“Frogfoot”

shall mean Frogfoot Networks (Pty) Ltd further in this manual

1 OVERVIEW

Frogfoot provides Internet Services and Access to its customers in the corporate market.

Frogfoot 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.

2 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.frogfoot.com) 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.

3 HOW TO REQUEST ACCESS TO RECORDS HELD BY FROGFOOT

Requests for access to records held by Frogfoot 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 in appendix B). 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.

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 Frogfoot.

The standard form that must be used for the making of requests can be accessed in appendix A 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 Frogfoot 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 Frogfoot does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

4 CONTACT DETAILS

Name of Private Body	Frogfoot Networks (Pty) Ltd
Designated Information Officer	<i>Hilda van der Merwe</i>
Email address of Information Officer	<i>hilda@frogfoot.com</i>
Postal address	PO Box 23618, Claremont, 7735
Street address	Suite 20 – 102D, Building 20, The Waverley Business Park, Kotzee Road, Mowbray, Cape Town, 7700
Phone number	021 448 7225
Fax number	021 448 3754

5 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

6 VOLUNTARY DISCLOSURE

Frogfoot has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Frogfoot and its services is freely available on Frogfoot website. Certain other information relating to Frogfoot 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.

7 RECORDS AVAILABLE IN TERMS OF ANY OTHER 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

8 RECORDS HELD BY FROGFOOT

Frogfoot 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.

8.1 Internal records

The following are records pertaining to Frogfoot'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
- Records held by officials of Frogfoot.

8.2 Personnel records

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

8.3 **Customer records**

Please be aware that Frogfoot 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 Frogfoot or a third party acting for or on behalf of Frogfoot;
- 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 Frogfoot 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 Frogfoot either directly or indirectly; and
- Records generated by or within Frogfoot pertaining to customers, including transactional records.

8.4 **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 Frogfoot. The following records fall under this category:

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

8.5 **Other Records**

Further records are held including:-

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

APPENDIX A

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:

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 for information is made on behalf of <i>another</i> person.

Full names and surname:

Identity number:

(a) 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

- | |
|--|
| <p>(b) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(c) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(d) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(e) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If 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 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"/>		<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.	YES	NO
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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

APPENDIX B

PRESCRIBED FEES

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.

The fee for reproduction referred to in regulation 11(1), is as follows :-

(a) For every photocopy of an A4-size page or part thereof R 1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,75

(c) For a copy in a computer-readable form on :-

stiffy disc R 7,50

compact disc 70,00

(d) For a transcription of visual images, for an A4- size page or part thereof 40,00

For a copy of visual images 60,00

(e) For a transcription of an audio record, for an A4-size page or part thereof 20,00

For a copy of an audio record 30,00

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

The access fee 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 R 1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,75

For a copy in a computer-readable form on :-

(a) stiffy disc R 7,50

(b) compact disc 70,00 (d) i) For a transcription of visual images,

For an A4-size page or part thereof 40,00

For a copy of visual images 60,00

For a transcription of an audio record, for an A4-size page or part thereof 20,00

For a copy of an audio record 30,00

To search for the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and operation.

For purposes of section 54(2) of the Act, the following applies :-

(a) Six hours as the hours to be exceeded before a deposit is payable; and 21

(b) one third of the access fee is payable as a deposit by the requester.

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