



MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT – DECEMBER 2011

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2. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 (“the Act”) came into operation on March 2001. The Act seeks to give natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

Section 51 of the Act obliges private bodies to compile a Manual which would assist a person to obtain access to information held by such a private body and stipulates the minimum requirements a manual has to comply with.

3. CONTACT DETAILS

3.1 Company

Postal Address: PO Box 4929, Tygervalley, 7536.
Street Address: Manhattan Plaza, 7th Floor, 100 Edward Street, Bellville, 7530.
Phone number: +27 21 910 7700
Fax number: +27 21 910 7701
e-mail address: pieter.devilliers@clickatell.com

3.2 Information Officer (address requests in terms of this Manual to the Information Officer)

Postal Address: PO Box 4929, Tygervalley, 7536.
Street Address: Manhattan Plaza, 7th Floor, 100 Edward Street, Bellville, 7530.
Phone number: +27 21 910 7700
Fax number: +27 21 910 7701
e-mail address: legal@clickatell.com

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

The Guide will be available from the South African Human Rights Commission by not later than August 2003. 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

5. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION:

- 5.1. Arbitration Act No. 42 of 1965
- 5.2. Basic Conditions of Employment No. 75 of 1997
- 5.3. Broad Based Black Economic Empowerment Act No. 53 of 2003
- 5.4. Companies Act No. 61 of 1973
- 5.5. Companies Act No. 71 of 2008
- 5.6. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- 5.7. Consumer Protection Act No. 68 of 2008
- 5.8. Copyright Act No. 98 of 1978
- 5.9. Criminal Procedure Act No. 51 of 1977
- 5.10. Currency and Exchanges Act No. 9 of 1933
- 5.11. Debtor Collectors Act No. 114 of 1998
- 5.12. Employment Equity Act No. 55 of 1998
- 5.13. Electronic Communications and Transactions Act No. 25 of 2002
- 5.14. Financial Intelligence Centre Act No. 38 of 2001
- 5.15. Harmful Business Practices Act No. 23 of 1999
- 5.16. Income Tax Act No. 95 of 1967
- 5.17. Insolvency Act No. 24 of 1936
- 5.18. Insurance Act No 27 of 1943
- 5.19. Interception and Monitoring Prohibition Act No. 127 of 1992
- 5.20. Labour Relations Act No. 66 of 1995
- 5.21. National Credit Act No. 34 of 2005
- 5.22. Occupational Health & Safety Act No. 85 of 1993
- 5.23. Protection of Businesses Act No. 99 of 1978
- 5.24. Prevention and Combating of Corrupt Activities Act No.12 of 2004
- 5.25. Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- 5.26. Skills Development Levies Act No. 9 of 1999
- 5.27. Skills Development Act No. 97 of 1998
- 5.28. Tax on Retirement Funds Act No. 38 of 1996
- 5.29. Trade Marks Act No. 194 of 1993
- 5.30. Unemployment Contributions Act No. 4 of 2002
- 5.31. Unemployment Insurance Act No. 63 of 2001
- 5.32. Value Added Tax Act No. 89 of 1991

6. ACCESS TO RECORDS HELD BY CLICKATELL (PTY) LTD

6.1 Voluntary Disclosure

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

6.2 Description Of Subjects And Categories Of Information On Which Clickatell (Pty) Ltd Hold Records.

6.2.1 *Incorporation Records*

- Company secretarial documents
- Constitution of the business
- Memorandum and Articles of Association
- Registers
- Statutory returns
- Powers of Attorney
- Shareholders Agreements
- Minutes of meetings
- Share Certificates

6.2.2 *Financial Documents and Records*

- Regional Services Council records
- VAT records
- PAYE records
- UIF records
- Stock records
- Asset inventory
- Asset register
- Order forms
- Invoices
- Statements
- Debtors and Creditors details
- Debit notes
- Credit notes
- Banking details and account records
- Cash records
- Financial documentation and other accounting records
- Financial reports and statements

6.2.3 *Operational Documents, Records and Intellectual Property*

- Minutes of Management meetings
- Distribution Agreements
- Supply Agreements
- Exchange Control Regulation records
- Internal telephone directory
- Legal and insurance records and correspondence (including claims and policies)
- Leases
- Goods received vouchers
- Goods returned vouchers
- Promotional records
- Legal and insurance records and correspondence
- Business plan policies
- Designs, patents or trademarks registration records
- Records regarding written product / service specifications
- Permits, licences, consents, approvals, authorisations, applications and registrations
- Product / Service manuals
- Customer database
- Customer application forms
- Correspondence with customers
- Customer account records

- Sales records
- Records with regards to scheduling and supply of goods
- Business plan records
- Strategy records
- Vision Statement
- Mission Statement
- Action plan records
- Price lists
- Customer assessments/complaints records
- Costing/quoting records
- Product research records
- Market research records
- Independent contractor's documentation and records
- Identification records
- BBEEE scorecard
- Trade Marks
- Patents
- Copyright
- Designs
- Know-how
- Licensing Agreements

6.2.5 *Insurance*

- Policies
- Insurance claims files

6.2.6 *Human Resources Documents and Records*

Personal records provided by employees and other records including but not limited to:

- Personnel files
- Employment contracts / Letter of Appointment
- Salary advice slips / Remuneration records
- Curriculum Vitae
- Leave records
- Educational history record
- Increase records
- Disciplinary codes, policies, procedures and records
- Performance management records
- Training records
- Training manuals
- Employment Equity Plan
- Workplace Skills Plan
- SETA records
- Attendance register
- Unemployment Insurance records
- Medical aid records
- Records relating to deductions

6.2.7 *Safety Records*

- Records relating to incidents in the workplace
- Occupational Health & Safety Act records
- Council for Occupational Injuries and Diseases records
- Quality control test results records

6.2.8 *Information Technology Records*

- Software licences
- Software programs
- Software applications

Computer generated databases
Internet connectivity reports

6.2.9 *Administration*

Correspondence with internal and external parties

7. WHO MAY REQUEST INFORMATION OR RECORDS IN TERMS OF THE ACT

The Act provides that a person may only request information in terms of the Act, if the information is required for the exercise or protection of a right.

Information will therefore not be furnished unless a person clearly provides sufficient particulars to enable the company to identify the right the requester is seeking to protect as well as an explanation of why the requested information is required for the exercise or protection of that right.

8. REQUESTER CATEGORIES

The capacity in which a requester requests information will determine the category he or she falls in. Please note that the requester category has a bearing on the charges pertaining to the access to information.

Requesters have been classified into four categories:

- A Personal Requester: - requests personal information about himself/herself.
- A Representative Requester: - requests information on behalf of someone else.
- A Third Party Requester: - requests personal information of another person.
- A Public Body: - requests information in the public interest.

9. REQUEST PROCEDURE

9.1 Completion of Form C

Any request for information in terms of this Act must be contained in Form C. (See Form C). This formality is prescribed by the Act.

Form C must be completed in full and returned to Clickatell (Pty) Ltd together with any other information that the mentioned companies require in order to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act will be forwarded back to the requester with advice on the necessary steps for compliance. This includes Forms that are not completed in full.

Clickatell (Pty) Ltd will not consider a request unless it is contained in Form C. Clickatell (Pty) Ltd will make copies of the mentioned form available

9.2 Proof of Identity:

Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will, in addition to Form C, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

10. REQUEST FEES

Section 54 in the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act. The fees that may be charged have been published by the Minister of Justice and are displayed below.

Note that where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

1.	Access Fees for Reproduction	
1.1	For every photocopy of an A4-size page or part thereof	R1.10
1.2	For every photocopy of an A4-size page or part thereof held on computer or in electronic or machine-readable form	R0.75
1.3	For a copy in a computer-readable form on stiffy disc	R7.50
1.4	For a copy in a computer-readable form on compact disc	R70.00
1.5	For a transcription of visual images for an A4-size page or part thereof	R40.00
1.6	For a copy of visual images	R60.00
1.7	For a transcription of an audio record for an A4-size page or part thereof	R20.00
1.8	For a copy of an audio record	R30.00
2.	Request Fee	
2.1	Request Fee payable by a requester, other than a personal requester, referred to in Section 54(1) of the Act	R50.00
3.	Access fee in terms of	
3.1	The time reasonably required to search for the record for disclosure and preparation R30.00 per hour or part of	R30.00/hr Or part of
4.	Deposit	
4.1	One third of the access fee is payable as a deposit by requester	
4.2	Six hours is the hours to be exceeded before a deposit is payable	
5.	Postal Fee	
5.1	When a copy of a record must be posted to the requester the actual postage is payable	

11. GRANTING OR REFUSAL OF REQUESTS

All requests complying with the requirements set out above will be processed and considered expeditiously.

Please note that the Act stipulates the following grounds for refusing requests for information:

- Mandatory protection of the privacy of a third party who is a natural person [section 63]
- Mandatory protection of commercial information of a third party [section 64]
- Mandatory protection of certain confidential information of a third party [section 65]
- Mandatory protection of safety of individuals and protection of property [section 66]
- Mandatory protection of records privileged from production in legal proceedings [section 67]
- Commercial information of the private body [section 68]

- Mandatory protection of research information of third party and of the private body [section 69].

Whatever decision is taken, the requester will be given notice of the decision in writing. The Act requires that such notification be given within 30 days of the decision being made. In case of a request being refused, the notification will include the reasons for the refusal.

Please note that Clickatell (Pty) Ltd may extend the thirty-day notice period if it is necessary due to the nature of the request and the amount of time required gathering the requested information. The requester will however be given notice of the extension prior to the 30 day period's expiry.

12. OTHER INFORMATION AS MAY BE PRESCRIBED

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

13. AVAILABILITY OF THE MANUAL

The manual is also available for inspection at the offices of Clickatell (Pty) Ltd free of charge; and copies are available from the SAHRC and on the Clickatell (Pty) Ltd's website at www.clickatell.com

Form C
Request for access to record of private body

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 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 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 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	Form in which record is required: _____ _____ _____
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Mark the appropriate box with an X.

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 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 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 (written or printed document)	of soundtrack*
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)

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
 ON WHOSE BEHALF REQUEST IS MADE