

**PROMOTION OF ACCESS TO INFORMATION ACT**  
**Section 51 Manual**  
**For ION Access (PTY) Ltd.**

**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.

**1 ION ACCESS (PTY) LTD. OVERVIEW**

**ION Access** provides Internet Services and Access to its customers, in both the corporate and home market. Some of these services include, but are not limited to,

**ION Access** 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.ion.co.za/legal/PROATIA\\_Manual.pdf](http://www.ion.co.za/legal/PROATIA_Manual.pdf)) 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. This Manual will be updated from time to time, as and when required.

**3 HOW TO REQUEST ACCESS TO RECORDS HELD BY ION ACCESS**

Requests for access to records held by the ION Access must be made on the request form that is available on our website, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations"). Note that requests need not be accompanied by payment BUT will only be processed upon payment of the prescribed fees.

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 the **ION Access**.

**The standard form that must be used for the making of requests is attached as annexure 1. 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 the **ION Access** 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 the **ION Access** 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: ION Access**  
**Designated Information Officer: Devan Govender**  
**Email address of Information Officer: info@ion.co.za**  
**Postal address: P. O Box 1705, Westville, 3630**  
**Street address: 15 Garth Road, Mayville, Durban, 4000**  
**Phone number: 27312048000**  
**Fax number: 27312048030**

#### 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](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

#### 6 VOLUNTARY DISCLOSURE

**ION Access** has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to **ION Access** and its services is freely available on **ION Access's** website. Certain other information relating to **ION Access** 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 OTHER LEGISLATION *Section 51 (1) (d)*

Information is available in terms of the following legislation, if and where applicable.

Basic Conditions of Employment No. 75 of 1997  
Closed Corporation Act No. 69 of 1984  
Companies Act 61 of 1973  
Electronic Communications and Transactions Act 25 of 2002.  
Labour Relations Act 66 of 1995  
Promotion of Access to Information Act No. 2 of 2000  
Regional Services Councils Act No. 109 of 1985  
Skills Development Levies Act No. 9 of 1999  
Skills Development Act No. 97 of 1998  
Unemployment Contributions Act No. 4 of 2002  
Unemployment Insurance Act No. 63 of 2001

**Access to the records held by the private body in question**

- i. **The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) Section 51(1)(c)**

Not applicable

**8 RECORDS HELD BY ION ACCESS**

The **ION Access** 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**

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

**8.2 Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of ION Access and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of ION Access. 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 ION Access by their personnel;
- Any records a third party has provided to ION Access 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 ION Access 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 ION Access or a third party acting for or on behalf of ION Access;
- 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 ION Access 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 ION Access either directly or indirectly; and
- Records generated by or within ION Access pertaining to customers, including transactional records.

#### **8.4 Technical records**

- Technical records generated by, or within ION Access pertaining to customers.

#### **8.5 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 ION Access. The following records fall under this category:

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

#### **8.6 Other Records**

Further records are held including:-

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

## REPRODUCTION FEES

Where an institution 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.

### THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	<b>R</b>
▪ For every photocopy of an A4-size page or part thereof	1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on:	
- 3,5" magnetic disc	7,50
- Optical compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• 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

### **Request fees:**

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

### **Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	<b>R</b>
1 For every photocopy of an A4-size page or part thereof	1,10
2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- 3,5" magnetic disc	7,50
- Optical compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• 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 a record that must be disclosed (- per hour or part of an hour reasonably required for such search.)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

### **Deposits:**

Where the institution 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 of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER  
FORM B  
REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)  
**(Regulation 4)**

**A. Particulars of Private Body**

The Information Officer: in respect of \_\_\_\_\_  
(specify company, if applicable)

**B. Particulars of Person requesting access to the record**

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

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 of 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 the Record or relevant part of the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Reference number, if available:

\_\_\_\_\_

3. Any further particulars of the 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 of the request fee.
- (c) The **fee payable for access** to a record depends on the form in which the 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 of payment of the fee (if any):

**F. Form of Access to the 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:

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.

<b>1. If the record is in written or printed form:</b>					
	Copy of record *		Inspection of record		
<b>2. If the record consists of visual images:</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	View the images		Copy of the images *		Transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>					
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)		
<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>					
	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (3,5" magnetic or optical 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?				YES	NO
<b>A postal fee is payable.</b>					

**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 requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

---

---

▪ **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

---