



Evolution Tel (Pty) Ltd T/A Evotel

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT, ACT 2 of 2000 (The "ACT")

TABLE OF CONTENTS – EVOTEL PAIA MANUAL

1. INTRODUCTION	3
2. PARTICULARS REQUIRED IN TERMS OF THE SECTION 51(1)(A) OF PAIA	3
3. THE ACT (SECTION 51(1)(B))	4
4. APPLICABLE LEGISLATION (SECTION 51 (1) (C))	5
5. SCHEDULE OF RECORDS IN TERMS OF SECTION 51 (1) (d)	6
6. FORM OF REQUEST IN TERMS OF SECTION 51(1)(e)	8
7. PRESCRIBED FEES IN TERMS OF SECTION 51(1)(F) & 54 OF THE ACT	9
FORM C – ANNEXURE “A”	11
A. PARTICULARS OF PRIVATE BODY	11
B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD.....	11
C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE	12
D. PARTICULARS OF RECORD	12
E. FEES.....	13
F. FORM OF ACCESS TO RECORD	13
G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	14
H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS	15

1. INTRODUCTION

Evolution Tel (Pty) Ltd T/A Evotel, is an open access fibre-to-the-home network provider that seeks to deliver a stable and uncompromised network to all South African suburbs.

In terms of Section 51 of the Act, Private Bodies are required to compile a Manual setting out the procedures and requirements to be adhered to in seeking to obtain access to information held by that Private Body as well as the concomitant costs associated with such a request. The aforementioned section further stipulates the minimum requirements a Manual has to comply with.

Section 51(2) of the Act also provides that the head of a Private Body, as contemplated in the Act, may update this manual on a regular basis. As such Evotel will, if and when deemed necessary, update or amend this Manual.

For purposes of this Manual – please note the following:

References to “Evotel”, “we”, “us”, “our” and “ours” in this Manual mean Evotel.

2. PARTICULARS REQUIRED IN TERMS OF THE SECTION 51(1)(A) OF PAIA

Evotel is committed to, and supports, the constitutional right of access to information in accordance with the provisions of the Act.

To confirm whose particulars to be included

DIRECTORS:	ALBERT OOSTHUYSEN
INFORMATION OFFICER / CEO:	ALBERT OOSTHUYSEN
POSTAL ADDRESS:	PO BOX 6981, Greenstone, 1613
PHYSICAL ADDRESS:	First Floor, 03 Desmond, 3 Desmond Street, Kramerville, Sandton 2090

TELEPHONE NUMBER:	0860 386 835
EMAIL ADDRESS:	alberto@evotel.co.za

3. THE ACT (SECTION 51(1)(B))

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: <https://www.sahrc.org.za/>

The Guide is available for inspection on the SAHRC website (<https://www.sahrc.org.za/>), alternatively it may be obtained at the head office of the SAHRC and all of its provincial office

4. APPLICABLE LEGISLATION (SECTION 51 (1) (C))

Evotel may, from time to time and where applicable, retain information and documentation as required and set out in terms of legislation.

Information *may* be made available in terms of the following legislation to the persons or entities specified in such legislation, *subject* to the provisions of said legislation, the Act, and Evotel's internal policies and procedures. A request for such information *must* be made in accordance with the Act. Accessibility to certain information or records may be refused on the grounds contemplated in the Act.

NUMBER	REFERENCE	ACT
1.	Act 71 of 2008	Companies Act
2.	Act 58 of 1962	Income Tax Act
3.	Act 89 of 1991	Value Added Tax Act
4.	Act 30 of 1966	Unemployment Insurance Act
5.	Act 36 of 2005	Electronic Communications Act
6.	Act 25 of 2002	Electronic Communications and Transaction Act
7.	Act 4 of 2013	Protection of Personal Information Act
8.	Act 75 of 1997	Basic Conditions of Employment
9.	Act 55 of 1998	Employment Equity Act

10.	Act 9 of 1999	Skills Development Levies Act
11.	Act 130 of 1993	Compensation of Occupational Injuries and Diseases Act
12.	Act 38 of 1997	Intellectual Property Laws Amendment Act
13.	Act 194 of 1993	Trademarks Act

5. SCHEDULE OF RECORDS IN TERMS OF SECTION 51 (1) (d)

Evotel maintains and stores records which are spread under several categories and on various subject matters. It is prudent, however, to indicate that the mere fact that a category of information and records maintained by Evotel is reflected in this Manual does not imply that any or all requests to access such records or information will result in the granting of access to those records or information.

Notwithstanding the abovementioned, all requests in terms of this Manual will be evaluated on an *ad hoc* basis in accordance with the provisions of the Act. We do however refer you the below table hereunder which refers to information which may be accessed without a formal request and which information must be requested in terms of the Act.

RECORDS	SUBJECT	AVAILABILITY
Public Affairs	<ul style="list-style-type: none"> • Public Product Information • Public Corporate Records • Media Releases 	<ul style="list-style-type: none"> • Freely available on www.evotel.co.za
Financial	<ul style="list-style-type: none"> • Financial Statements • Financial and Tax Records (Company & Employees) • Asset Register • Management Accounts 	Not available. Request to be made in terms of PAIA.
Marketing	<ul style="list-style-type: none"> • Market Information • Public Customer Information: <ul style="list-style-type: none"> o Product Brochures o Owner Manuals • Field Records • Performance Records • Product Sales Records • Marketing Strategies • Customer Database 	<ul style="list-style-type: none"> • Limited information available at www.evotel.co.za • Request to be made in terms of PAIA.
Internal Records	<ul style="list-style-type: none"> • Memorandum of Incorporation • Financial records 	<ul style="list-style-type: none"> • Request to be made in terms of PAIA.

	<ul style="list-style-type: none"> • Operational records • Intellectual property records • Internal Evotel correspondence • Product records • Statutory records (including but not limited to those records submitted to the Intellectual Properties Commission) • Banking records • Internet website records • Internal policies and procedures 	
--	--	--

6. FORM OF REQUEST IN TERMS OF SECTION 51(1)(e)

To facilitate the processing of your request, kindly:

- 6.1 Use the prescribed form C, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za alternatively kindly refer to annexure "A" attached hereto.
- 6.2 Address your request to the Head of the Company (CEO).
- 6.3 Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested.
 - (b) The requester (and if an agent is lodging the request, proof of capacity).
 - (c) The form of access required:
 - (i) The postal address or fax number of the requester in the Republic.
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.

- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. PRESCRIBED FEES IN TERMS OF SECTION 51(1)(F) & 54 OF THE ACT

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, Section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of private bodies is “as swiftly, inexpensively and effortlessly as reasonably possible.”

1. ACCESS FEES FOR REPRODUCTION – PRIVATE BODY		
1.1	COPY PER A4 PAGE	R1.10
1.2	PRINTING PER A4 PAGE	R0.75
1.3	COPY ON A CD	R70.00
1.4	TRANSCRIPTION OF VISUAL IMAGE PER A4 PAGE	R40.00
1.5	COPY OF VISUAL IMAGE	R60.00
1.6	TRANSCRIPTION OF AN AUDIO RECORDING PER A4 PAGE	R12.00
1.7	COPY OF AUDIO RECORDING	R30.00
2. ACCESS FEE FOR TIME SPENT		
2.1	SEARCH AND PREPARATION OF THE RECORD FOR DISCLOSURE – PER HOUR OR PART THEREOF EXCLUDING THE FIRST HOUR, REASONABLY REQUIRED FOR THE SEARCH AND PREPARATION	R30.00 P/H
3. REQUEST FEE		

3.1	REQUEST FEE TO BE PAID BY REQUESTER WHEN REQUESTING DOCUMENTS OR INFORMATION FROM A PRIVATE BODY	R50.00
-----	--	--------

Upon receipt of a request, and notwithstanding the above, the Information Officer will convey the relevant fees that have to be paid.

No information or documentation will be dispatched until payment has been received – and information and documentation may be retained until such time as payment has been affected.

Evotel is a registered Value-Added Tax (VAT) vendor and as such VAT will be added to the Above amounts.

FORM C – ANNEXURE “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:

<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

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

- | |
|---|
| <p>(a) 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>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) 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>
--

<p>Disability:</p>	<p>Form in which record is required</p>
<p>Form in which record is required:</p>	
<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:			
	copy of record*		inspection of record
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*
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
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 the copy or transcription to be posted to you? Postage is payable.			YES
			NO

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