

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 SECTION 51 MANUAL FOR:**

**METROWIRED (PTY) LTD
2011/005776/07**

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A. INTRODUCTION

Main Business/ Principal Business:

To enable the provision of affordable citizen access to broadband services.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

Postal Address: P O Box 261786
Woodmead
2191

Street Address: MetroWired House
Building B
Country Club Estate
21 Woodlands Drive
Woodmead

Telephone: +27 011 568 5092
E-mail: bianca@metrowired.co.za

The Firm has duly authorized Ms. Bianca Gruen to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

2. The Guide as described in Section 10 [Section 51(1)(b)]

The Guide 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

3. Automatic availability of certain Records [Section 51(1) (c)]

NONE

4. Records available in terms of any other legislation [Section 51(1)(d)]

1. Arbitration of Act, No. 42 of 1965
2. Basic Conditions of Employment No. 75 of 1997
3. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
4. Companies Act 61 of 1973
5. Employment Equity Act 55 of 1998
6. Credit Agreements Act No. 75 of 1980
7. Income Tax Act No. 58 of 1962
8. Insolvency Act, No 24 of 1936
9. Labour Relations Act No. 66 of 1995
10. Occupational Health & Safety Act No. 85 of 1993
11. Regional Services Councils Act No. 109 of 1985

12. Skills Development Levies Act No. 9 of 1999
13. Skills Development Act No. 9 of 1999
14. Unemployment Contributions Act No. 4 of 2002
15. Unemployment Insurance Act No. 63 of 2001
16. Value Added Tax Act No. 89 of 1991

5. **Access to the records held by the private body in question [Section 51(1) (e)]**

Records Subjects and Categories that are held in the Company's head office:

Company Act Records

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/auditor/secretary/public officer and other officers.
- Share Register and other statutory registers
- Contracts and Agreements
- Statutory Secretarial Administration Files
- Shareholders Agreements

General Administration & Human Resources

- Minutes of management meetings
- Minutes of staff meetings
- Correspondence

Financial Records

- Annual Financial statements
- Audit Files
- Investment Records
- Management Records
- Stock records
- Assets register
- Banking records:
 - Bank statements
 - Paid Cheques
 - Electronic banking records
- Rental agreements
- Invoices & Sales records
- Supplier records
- Tax Records
 - PAYE records
 - IRP5 & Other employee income tax records
 - Records of Payments made to SARS (on behalf of employees)
 - Other statutory compliance:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Human Resources Material

- Employee Records
- Personnel Policy Manual
- Trainee Records
- External Training Records
- Employee Benefit Records
- Labour Relations Records
- Disciplinary Code and Records



- SETA records
- Employment Equity Records
- Employment Contracts
- Training Manuals
- Staff recruitment policies
- Remuneration records and policies

Legal Records

- General Legal Correspondence
- Property Records
- Litigation and dispute Records
- Lease agreements

Information Technology (IT) Records

- IT Contracts and Agreements
- IT Operational Records
- Asset Records
- Policy Records

6. Access Request Procedure [Section 51(1)(f)]

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Firm.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to the Firm's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

In order for the firm to respond to requests in a timely manner, an Access Request Form should be completed, taking due knowledge of the following Instructions and Completion of Forms.

Completion & Submission of Access Request Form

- The requester must use the prescribed form (Access Request Form – Annexure A) to make the request for access to a record. This form must be completed in the English Language.
- Type or print in BLOCK LETTERS and answer to every question. If a question does not apply, state 'N/A' in response to that question.
- If there is nothing to disclose in reply to a particular question state 'nil' in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required and for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body
- The request must be made to the contact person indicated in the **Contact Details** section, via conventional mail, fax or e-mail.

Fees

- An initial **non-refundable R57.00 request fee** is payable on submission. This fee is **not applicable** to personal



requests, referring to any person seeking access to records that contain their personal information.

- Payment details can be obtained from the contact person as indicated in Section 51(1) (a) and payment can be made via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note:

If the request for access is successful an access fee will be required for the search, reproduction and/or preparation of the record(s). The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form.

Notifications may include:

Notification of Extension Period (if required)

- The requester may be notified whether an extension period is required for the processing of their requests including:
 - The required extension period, which will not exceed an additional 30 day period;
 - Adequate reasons for the extension; and
 - Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

- The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:
 - The amount of the deposit payable (if applicable); and
 - That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

- If no extension period or deposit is required the requesters will be notified, within 30 days, of the decision on their requests.
- If the request for access to a record is successful the requester will be notified of the following:
 - The amount of the access fee payable upon gaining access to the record (if any);
 - An indication of the form in which the access will be granted;
 - Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- If the request for access to a record is not successful the requester will be notified of the following:
 - Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
 - That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, the Firm is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted or not.

Ground for Refusal

The Firm may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Firm may refuse access include but are not limited to:

Protecting personal information that the Firm holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;

Protecting commercial information that the Firm holds about a third party or the Firm (for example trade secrets

financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Firm or the third party);

- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific or technical information) would harm the commercial or financial interests of the Firm;
- Disclosure of the record would put the Firm at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;

7. Other information as may be prescribed [Section

51(1)(g)] Not applicable

8. Availability of the Manual

This manual is available from the South African Human Rights Commission (see details above [**Section 51(1)(b)**]) and the firm (see details above [**Section 51(1)(a)**])



ANNEXURE A – PRESCRIBED ACCESS TO RECORD REQUEST FORM

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 duly authorized person: **Bianca Beyleveldt**

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			
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 for 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:					
<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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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.



[Empty rectangular box for response]

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

