



CIPHERWAVE BUSINESS SOLUTIONS (PTY) LTD

PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

Incorporating

CipherWave Business Solutions (Pty) Ltd
Broadlink (Pty) Ltd
CipherWave Home-Connect (Pty) Ltd
CipherWave Networks (Pty) Ltd

Both jointly and severally and which are referred to both individually and collectively herein referred to as "CipherWave Business Solutions"

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.

This manual applies in respect of each member of Cipherwave Business Solutions as set out in this manual and as CipherWave Business Solutions may change from time to time. The Legal officer named below is appointed in respect of CipherWave Business Solutions and each of the private entities constituting CipherWave Business Solutions

CIPHERWAVE BUSINESS SOLUTIONS OVERVIEW

CipherWave Business Solutions is a licensed ISP and providers internet and access services as well as voice and cloud services to its customers within the business and home market.

CipherWave Business Solutions 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.

AVAILABILITY OF THIS MANUAL

A copy of this Manual is made available on our website (www.cipherwave.co.za) or can be obtained by request in writing to the Legal 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.

HOW TO REQUEST ACCESS TO RECORDS HELD BY CIPHERWAVE BUSINESS SOLUTIONS

Requests for access to records held by CipherWave Business Solutions must be made via the request forms which can be obtained either 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 as per the PAIA prescribed fees "Annexure B". You may submit a request prior to paying the request fee however payment of the prescribed fees must be made prior to the request being processed.



Requests for access to records need to be made in writing to the Legal Officer at the address, fax number or electronic mail address provided below.

The requester must provide sufficient detail on the request form to enable the Legal officer to identify the record and the requester. The requester should indicate which form of access is required, indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester is required to identify which entity in CipherWave Business Solutions holds the record/s being requested. Where the requester is unsure as to which entity holds the record/s kindly provide as much detail as possible about the record to facilitate the process and avoid any possible delays.

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 Legal officer of CipherWave Business Solutions (Pty) Ltd

The standard form that must be used for the making of requests is Form C and can be accessed on page 7 of this document. 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 CipherWave Business Solutions 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 CipherWave Business **does** not give rise to any rights to access such information or records except in terms of the Act.

CONTACT DETAILS

Name of Private Body	CipherWave Business Solutions (PTY) LTD
Designated Legal officer	CEO
Email address of Legal officer	legal@cipherwave.co.za
Postal address	
Street address	28 Augrabies Road, Waterfall Office Park, Midrand
Phone number	010 541 0000
Fax number	

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

VOLUNTARY DISCLOSURE

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

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

RECORDS HELD BY CIPHERWAVE BUSINESS SOLUTIONS (PTY) LTD

CipherWave Business Solutions maintains records on the following categories and subject matters. However, note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

Internal records

The following are records pertaining to CipherWave Business Solutions (Pty) Ltd 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 CipherWave Business Solutions (Pty) Ltd

Personnel records

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

Customer records

Please note that CipherWave Business Solutions is extremely conscious 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 CipherWave Business Solutions or a third party acting for or on behalf of CipherWave Business Solutions.
- 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 CipherWave Business Solutions about customers.
- Confidential, privileged, contractual and quasi-legal records of customers.
- Customer evaluation records.
- Performance research conducted on behalf of customers or about customers.
- Any records a third party has provided to CipherWave Business Solutions either directly or indirectly; and
- Records generated by or within CipherWave Business Solutions pertaining to customers, including transactional records.

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 CipherWave Business Solutions. The following records fall under this category:



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

Other Records

Further records are held including: -

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

ANNEXURE B

PAIA PRESCRIBED FEES

The following applies to requests (other than personal requests):

A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which will be payable if the request were granted).

A requestor may lodge an application with the court against the tender/payment of the request fee and / or deposit.

Records may be withheld until the fees have been paid.

Payments should be made to CipherWave Business Solutions (Pty) Ltd

Description	Fees
1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R0.60 for every photocopy of an A4-size page or part thereof.	R1-R10
2. The fees for reproduction referred to in regulation 11(1) are as follows: (a). For every photocopy of an A4-size page or part thereof (b). For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine readable-form (c). For a copy in a computer-readable form on – i. stifty disc ii. compact disc (e)For a transcription of visual images, i. for an A4-size page or part thereof ii. for a copy of an audio record	R1-R10 R0- R75 R7-R50 R70 R40 R30,00
3. The request fee payable by the requester, other than a personal requester, referred to in regulation 11(2)	R30,00 (p/h)
4. The access fees payable by the requester referred to in regulation 11(3) are as follows: a. For every photocopy of an A4-size page or part thereof b. For every printed copy of an A4-sized page or part thereof held on a computer or in an electronic or machine-readable form c. For copy in a computer readable form on: - i. stifty disc ii. compact disc d. For a transcription of visual images, i. for an A4-size page or part thereof ii. For a copy of visual images (e)For a transcription of an audio record, i. for an A4-size page or part thereof ii. For a copy of an audio record	R1-R10 R0-R75 R7-R50 R70 R40,00 R60,00 R20,00 R30,00

(f) To search for and prepare the record for disclosure p/h or part of	R30 p/h
5. 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 b. one third of the access fee is payable as a deposit by the requester.	
6. The actual postage is payable when a copy of a record must be posted to a requester	

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 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 referencenumber 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 you, 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:	Form in which record is required
Mark the appropriate box with an X.		
NOTES: Compliance with your request in the specified form may depend on the form in which the record is available. 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.

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