

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

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 SYBAWEB INTERNET & NETWORKING CC OVERVIEW

SYBAWEB INTERNET & NETWORKING CC provides Internet Services and Access to its customers, in both the corporate and home market.

SYBAWEB INTERNET & NETWORKING CC 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 (<http://www.sybaweb.co.za/>) 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 or from the Government Printers. This Manual will be updated from time to time, as and when required.

3 HOW TO REQUEST ACCESS TO RECORDS HELD BY SYBAWEB INTERNET & NETWORKING CC

Requests for access to records held by **SYBAWEB INTERNET & NETWORKING CC** must be made on the request forms that are available from our website and office, from the SAHRC website (<http://www.sahrc.org.za/>) or the Department of Justice and Constitutional Development (<http://www.doj.gov.za/>) (under "regulations"). You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

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 **SYBAWEB INTERNET & NETWORKING CC**.

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 SYBAWEB INTERNET & NETWORKING CC 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 SYBAWEB INTERNET & NETWORKING CC 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	SybaWeb Internet & Networking cc
Designated Information Officer	Mr C Andreas Nel
Email address of Information Officer	info@sybaweb.co.za
Postal address	P O Box 335, Rondebosch, 7701
Street address	21 Draper Square, Claremont, 7700
Phone number	+27 21 683 3141
Fax number	+27 21 683 3143

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
E-mail: paia@sahrc.org.za

6 VOLUNTARY DISCLOSURE

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

8 RECORDS HELD BY SYBAWEB INTERNET & NETWORKING CC

SYBAWEB INTERNET & NETWORKING CC 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. Access to records held by Sybaweb Internet & Networking cc.

- a. **The requester must use the prescribed form to make the request for access to a record. This request must be made to the Information Officer at Sybaweb Internet. This request must be made to the address, fax number or e-mail address as set out in Section 2 above.**
- b. **The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must indicate which form of access is required. The requester must indicate any other manner to be used by Sybaweb Internet to inform the requester of the outcome, and must state these particulars.**
- c. **The requester must identify the right that is to be exercised or protected, and provide an explanation of why the requested record is required for the protection or exercise of that right.**
- d. **If, in addition to a written reply from Sybaweb, the requester wishes to be informed of a decision in respect of the request, the requester must provide Sybaweb Internet with the manner in which this response is to take place and the relevant contact details.**
- e. **If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of Sybaweb Internet.**

Fees.

A requester who seeks access to a record, which contains personal information about that requester, is not required to pay a request fee. All other requesters, who are not personal requesters, must pay the required request fee.

- a. **The Information Officer will notify the requester (other than a personal requester) in writing, requiring the requester to pay the prescribed fee (if any) before further processing the request.**

- b. **The fee payable by the requester to Sybaweb Internet is R50-00 (Fifty Rand). The requester may lodge an application to court against the tender or payment of this requested fee. Requester must indicate which form of access is required. The requester must indicate any other manner to be used by Sybaweb Internet to inform the requester of the outcome, and must state these particulars**
- c. **After the Information Officer has made a decision on the request, the requester must be notified in writing in the required form.**
- d. **If the request is granted, a further access fee must be paid to Sybaweb Internet for the search, reproduction, preparation and/or for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.**

8.2 Internal records

The following are records pertaining to **SYBAWEB INTERNET & NETWORKING CC's** own affairs and those of its divisions, subsidiary and associated companies:

- § Memorandum and Articles of Association
- § Financial records
- § Operational records
- § Intellectual property
- § Marketing records;
- § Internal correspondence;
- § Product records;
- § Statutory records;
- § Internal policies and procedures;
- § Records held by officials of **SYBAWEB INTERNET & NETWORKING CC**.

8.3 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of **SYBAWEB INTERNET & NETWORKING CC** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **SYBAWEB INTERNET & NETWORKING CC**. 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 **SYBAWEB INTERNET & NETWORKING CC** by their personnel;
- § Any records a third party has provided to **SYBAWEB INTERNET & NETWORKING CC** 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.

8.4 Customer records

Please be aware that SYBAWEB INTERNET & NETWORKING CC 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 **SYBAWEB INTERNET & NETWORKING CC** or a third party acting for or on behalf of **SYBAWEB INTERNET & NETWORKING CC**;
- § 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 **SYBAWEB INTERNET & NETWORKING CC** 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 **SYBAWEB INTERNET & NETWORKING CC** either directly or indirectly; and

§ Records generated by or within **SYBAWEB INTERNET & NETWORKING CC** pertaining to customers, including transactional records.

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 **SYBAWEB INTERNET & NETWORKING CC**. The following records fall under this category:

§ Personnel, customer or **SYBAWEB INTERNET & NETWORKING CC** records which are held by another party as opposed to being held by **SYBAWEB INTERNET & NETWORKING CC**; and

§ Records held by **SYBAWEB INTERNET & NETWORKING CC** 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 **SYBAWEB INTERNET & NETWORKING CC**'s own commercial activities; and

§ Research carried out on behalf of a client by **SYBAWEB INTERNET & NETWORKING CC** or commissioned from a third party for a customer;

§ Research information belonging to **SYBAWEB INTERNET & NETWORKING CC**, whether carried out itself or commissioned from a third party.