

HERO TELECOMS (PTY) LIMITED
Registration Number of Company: 2013/014376/07

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act 2/2000

("PAIA")

1. INTRODUCTION

This manual applies to Hero Telecoms (Pty) Limited (“Herotel”), company registration number 2013/014376/07 and its subsidiaries (collectively Herotel). Herotel is an telecommunication service provider business, in terms of the Electronic Communications Act.

2. COMPANY CONTACT DETAILS

Postal Address: 98 Dorp Street, Stellenbosch, 7600
Street Address: 98 Dorp Street, Stellenbosch, 7600
Telephone Number: 021 300 0142
Email: privacy@herotel.com
Website: www.herotel.com

3. DEFINITIONS

- 3.1. **“Data subject”** means the person to whom personal information relates;
- 3.2. **“Electronic communication”** means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;
- 3.3. **“Person”** means a natural or a juristic person;
- 3.4. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –
 - 3.4.1. Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 3.4.2. Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 3.4.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 3.4.4. the biometric information of the person;
 - 3.4.5. the personal opinions, views or preferences of the person;
 - 3.4.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal information about the person.
- 3.5. **“Private body”** shall assume the meaning ascribed by PAIA;
- 3.6. **“Public body”** shall assume the meaning ascribed by PAIA;
- 3.7. **“Record/s”** of, or in relation to Herotel, means any recorded information –
 - 3.7.1. regardless of the form or medium;
 - 3.7.2. in the possession or under the control of Herotel ; and
 - 3.7.3. whether or not it was created by Herotel.
- 3.8. **“Requester”** is any person, including, but not limited to a natural person, a public body or an official thereof, making a request for access to a record held by or under the

control of Herotel, or a person acting on behalf of the person, public body or official thereof.

4. THE ACTS

- 4.1. PAIA grants a requester access to records of a private body, including Herotel, 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.
- 4.2. POPIA's (Protection of Personal Information Act, 4 of 2013) purpose is to promote the protection of personal information processed by responsible parties, including Herotel, and it amended certain provisions of PAIA, in order to balance the rights to access of information with the rights to the protection of personal information.
- 4.3. Requests in terms of PAIA 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 PAIA.
- 4.4. Requesters are referred to the guide in terms of section 10 of PAIA, where available, compiled by Human Rights Commission and updated by the Information Regulator, which will contain information for the purposes of exercising any right contemplated in the Acts. The guide is available from the Information Regulator. The contact details of the Information Regulator are:

Physical address: JD House,
27 Stiemens Street
Braamfontein
Johannesburg
2017

Postal address: P.O.Box 31533, Braamfontein, Johannesburg, 2017

Website: <https://www.justice.gov.za>

Email: inforeq@justice.gov.za

5. PAIA MANUAL

- 5.1. Herotel has compiled this information manual, in accordance with the Acts, which provides information regarding the types and categories of records and personal information held by it and describes the applicable procedure to be followed for requesting access to records, including personal information.
- 5.2. Herotel's PAIA manual is available:
 - 5.2.1. for public inspection during normal business hours at Herotel's principal place of business, which is located at the physical address listed in paragraph 2;
 - 5.2.2. on our website at www.herotel.com;
 - 5.2.3. to any person upon request and upon the payment of a reasonable fee; and
 - 5.2.4. to the Information Regulator upon request.

6. INFORMATION OFFICER

Herotel's Information Officer is responsible for the administration of, and compliance with, PAIA and POPI, and requests pertaining to PAIA and/or POPI should be directed to the information officer, whose details are contained in paragraph 2.

7. SCHEDULE OF RECORD TYPES AND CATEGORIES (this list is not exhaustive)

Client Records		Availability	Employment Records		Availability	
Customer Database		On request in terms of PAIA, subject to POPIA	Disciplinary code records		On request in terms of PAIA, subject to POPIA	
Client communications and correspondence including electronic communications			Disciplinary records			
Public customer information including product and services information, promotions and offerings.			Documents issued to employees for income tax purposes			
Client records			Employment contracts and leave record			
Information clients have provided to Herotel			Employment Equity and Skills Development plan			
Payment transactions by or to clients			Employment law compliance records			
Records generated by Herotel relating to its clients including transactional records			Employment records provided to Herotel by employees			
Financial Records		Availability	Organograms			On request in terms of PAIA, subject to POPIA
Annual Financial Statements		On request in terms of PAIA	PAYE Records			
Asset Register			Payslips and financial records			
Banking Records/Bank Statements			Performance evaluation records			
Financial and Accounting Records and Reports			Records of payments made to SARS on behalf of employees			
Invoices			Records provided by third parties relating to employees, including references			
Tax Returns			Recruitment records, including job application resumes, and assessments			
Corporate Records			Availability	Statutory and Regulatory Records		
Documents of incorporation		On request in terms of PAIA	Prescribed Statutory and Regulatory compliance records that are required to be retained		On request in terms of PAIA	
Intellectual property records			Regulatory correspondence			
Internal Correspondence			Statutory licensing and registration records			
Legal Agreements with third parties and service providers						
Legal Records						

Memorandum and Articles of Association	
Minutes of Board of Directors meetings	
Operational records	
Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers	
Share Register and other statutory registers	
Operational and Marketing Records	Availability
Business models	On request in terms of PAIA
Disaster Recovery Plans	
Internal corporate policies and procedures	
Marketing Information and Strategies	
Risk Management Records	Freely available on website
Product and Service offering	
Publicly available company information	
Complaints management framework	
Customer Complaints Procedure	

8. RECORDS HELD IN ACCORDANCE WITH APPLICABLE LEGISLATION

Records kept in terms of the below listed legislation may, in certain instances (insofar as the information contained therein is of a public nature) be available for inspection without a Requester having to request access thereto in terms of PAIA. This list is not an exhaustive list of legislation requiring Herotel to retain records.

No	Reference	Act
1	No 46 of 1998	Administrative Adjudication of Road Traffic Offences Act
2	No 75 of 1997	Basic Conditions of Employment Act
3	No 46 of 2013	Broad Based Black Economic Empowerment Act
4	No 71 of 2008	Companies Act
5	No 98 of 1978	Copyright Act
6	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
7	No 89 of 1998	Competition Act
8	No 108 of 1996	Constitution of the Republic of South Africa
9	No 68 of 2008	Consumer Protection Act
10	No 13 of 2009	Civil Aviation Act
11	No 36 of 2005	Electronic Communications and Transactions Act
12	No 55 of 1998	Employment Equity Act
13	No 65 of 1996	Film and Publications Act
14	No 58 of 1962	Income Tax Act
15	No 13 of 2000	Independent Communications Authority of South Africa Act
16	No 13 of 2002	Immigration Act
17	No 66 of 1995	Labour Relations Act
18	No 32 of 1944	Magistrates Act
19	No 93 of 1996	National Road Traffic Act
20	No 107 of 1998	National Environmental Management Act
21	No 103 of 1977	National Building Regulations and Building Standards Act
22	No 36 of 1998	National Water Act
23	No 25 of 1999	National Heritage Resources Act
24	No 9 of 2018	National Minimum Wage Act
25	No 67 of 2008	National Qualifications Framework Act
26	No 85 of 1993	Occupational Health and Safety Act
27	No 57 of 1978	Patents Act
28	No 2 of 2000	Promotion of Access of Information Act
29	No 17 of 2011	Protection from Harassment Act
30	No 26 of 2000	Protected Disclosures Act
31	No 4 of 2013	Protection of Personal Information Act
32	No 36 of 1994	Public Holidays Act
33	No 70 of 2002	Regulation of Interception of Communications and Provision of Communication-related Information Act
34	No 70 of 1970	Subdivision of Agricultural Land Act
35	No 16 of 2012	Spatial Planning and Land Use Management Act (SPLUM)
36	No 9 of 1999	Skills Development Levies Act
37	No 97 of 1998	Skills Development Act
38	No 4 of 1999	The Broadcasting Act
39	No 9 of 2018	The National Minimum Wage Act
40	No 68 of 1969	The Prescription Act
41	No 12 of 2004	The Prevention and Combating of Corrupt Activities Act
42	No 40 of 2000	The Promotion of Equality and Prevention of Unfair Discrimination Act
43	No 28 of 2011	The Tax Administration Act
44	No 194 of 1993	Trade Marks Act
45	No 63 of 2001	Unemployment Insurance Act
46	No 4 of 2002	Unemployment Insurance Contribution Act
47	No 89 of 1991	Value Added Tax Act

9. AUTOMATICALLY AVAILABLE INFORMATION

Herotel is not obliged to and has not published a notice in terms of section 52(2) of PAIA. Nevertheless, Herotel does make certain information freely available on its website www.herotel.com. Reproduction fees will be charged for access to these records where reproductions are requested.

10. PROTECTION OF PERSONAL INFORMATION ACT

10.1. The table below contains the purpose of processing of Personal Information by Herotel, including categories of data subjects and information relating thereto (the lists are not exhaustive):

Categories of data subjects	Purpose of processing of Personal Information	Personal Information relating to data subjects that is processed	Law requiring/authorising processing of Personal Information
Directors	Business operations as an internet service provider	Names, ID numbers, physical address, postal address, fit and proper records	Independent Communications Authority of South Africa Act and Electronic Communications
Current and previous employees, next of kin, emergency contacts, job applicants and their referees	Recruitment, Employment and matters related thereto	Names, ID numbers, date of birth, address, age, race, gender, employment history, job applications, qualifications, references, training records, employment contracts, remuneration records, leave records, performance evaluation records, disciplinary records, health information, next of kin details, emergency contacts, medical aid details, banking details, tax reference numbers, criminal and credit history records	Labour Relations Act; Basic Conditions of Employment Act, Employment Equity Act, Skills Development Act, Compensation for Occupational Injuries and Diseases Act, Health & Safety Act, Unemployment Insurance and Tax legislation
Customers and service providers	Provision of products and services and carrying our business activities	Names, ID numbers and identity documentation, address, banking details, email address, credit records where applicable, electronic correspondence	RICA, tax legislation, and related legislation and regulations

10.2. Categories of recipients to whom personal information may be supplied

Personal Information may be supplied to the following categories of recipients, dependent on the nature of the data and the rights and authorities of the recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- A contracted third party who requires this information to provide a service to a policyholder or any beneficiaries nominated by the policyholder;
- Third parties with whom Herotel has a contractual relationship for the processing such employee payment processing and records destruction;
- Auditing and accounting bodies;

- Consultants and legal advisors;
- Anyone making a successful application for access in terms of PAIA;
- Credit bureaus and companies for risk mitigation and/or compliance.

10.3. Transborder flows of personal information

Personal Information may at times be transferred to a foreign country or international companies where this is necessary for reasons including the provision and administration of services (including cloud services), and communication with data subjects (including where a data subject sends information to Herotel from an email service provider that hosts servers in foreign countries or with international companies), in which case the level of protection afforded to the Personal Information by that third country or international organisation will be maintained at the same level of security that Herotel is obliged to afford the data subject, in accordance with the provisions of POPIA.

10.4. Information Security Measures

Herotel takes appropriate, reasonable technical and organisational measure to secure the integrity and confidentiality of Personal Information in its possession or under its control, to prevent loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or processing thereof. Herotel has established and maintains appropriate safeguards against identified risks relating to Personal Information.

11. RIGHT OF ACCESS TO RECORDS

- 11.1. A Requester has a right to access records containing personal information about the Requester himself/herself, or about the Person on whose behalf the request is being made.
- 11.2. A public body is considered a juristic person and may make a request for access to records held by private bodies, only if the public body is (1) acting in the interests of the public, and (2) if the records are required to fulfil or protect any rights other than those of the public body.
- 11.3. A Requester must be given access to any records (including records containing Personal Information) of a private body if-
 - 11.3.1. the record is needed for the exercise or protection of any rights;
 - 11.3.2. the Requester complies with the procedural requirements contained in PAIA relating to a request for access to a record, including the payment of a fee, where applicable; and
 - 11.3.3. access to the record is not refused in terms of any ground for refusal contemplated in PAIA.

12. GROUNDS FOR REFUSING ACCESS TO INFORMATION

Grounds for refusal to provide access tomorrow include:

- 12.1. Protection of the privacy of a third party, particularly relating to the Personal Information of a natural person;
- 12.2. Protection of commercial information of a third party and Herotel, where releasing such information – including trade secrets, financial information, and information which has been supplied in confidence by the third party - may cause harm to the commercial or financial interest of the third party or Herotel;
- 12.3. Protection of confidential information where release of the record will amount to a breach of confidentiality owed to a third party in terms of an agreement or contract;
- 12.4. Protection of the safety of individuals and property;
- 12.5. Protection of information in legal proceedings, and
- 12.6. Protection of research information.

13. FORM AND PROCESS TO REQUEST TO ACCESS TO INFORMATION

- 13.1. To facilitate the processing of your request, kindly use the prescribed form provided in Annexure 1.
- 13.2. Address your request to the Information Officer at the details provided in clause 2.
- 13.3. The following requirements must be met in order for your request to be attended to:
 - 13.3.1. The prescribed access request form must be fully completed. Where a question or comment is not applicable an explanation must be provided or “n/a” must be inserted;
 - 13.3.2. Proof of identity (certified copy of identity document, passport or driver’s license) must be submitted with the request in order to authenticate the identity of the Requester.
 - 13.3.3. The access request form must be completed with enough detail for the Chief Information Officer to be able to identify:
 - 13.3.4. The record(s) requested. Enough information about the record to make it reasonably easy to identify must be provided. Where additional documents are used to detail the request each additional page must be signed and attached to the request form;
 - 13.3.5. The Requester (and if an agent is lodging the request, proof of capacity);
 - 13.3.6. The form of access required;
 - 13.3.7. The postal address, fax number or email of the Requester in the Republic;
 - 13.3.8. If the Requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 13.3.9. 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.
 - 13.3.10. When a request is made on behalf of someone else, proof of the capacity in which the person making the request must be provide (known as the authorised person);

14. PRESCRIBED FEES

Request fees

- 14.1. A Requestor is required to pay the prescribed fee of R50.00 before a request will be processed.
- 14.2. Requesters who are requesting access to their own Personal Information are exempt from paying the request fee, however an access fee is payable.

Access fees

- 14.3. Requesters are also required to pay fees for accessing records of Herotel. This fee covers the cost of searching for the record and copying it.
- 14.4. Postage fees must be paid by the Requester for the delivery of records.
- 14.5. If the preparation of the record requested requires more than the prescribed six (6) hours, a deposit shall be payable upon written request by the Information Officer of one third of the access fee, payable upfront;
- 14.6. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 14.7. Records may be withheld until the fees have been paid.
- 14.8. The fee structure and exemptions passed are available on the website of the South African Information Regulator at <https://www.justice.gov.za>

15. VERSION DATE

This PAIA manual is effective from 1 July 2021.

**FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

Appendix 1

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

[Regulation 10]

A. Particulars of private body

Requests can be submitted either via conventional mail or fax and should be addressed to the relevant contact person as indicated below:

Herotel (Pty) Limited
Contact person: The Information Officer
Postal Address: 98 Dorp Street, Stellenbosch, 7600
Physical Address: 98 Dorp Street, Stellenbosch, 7600
Telephone: 021 300 0142
Email: privacy@herotel.com
Website: www.herotel.com

B. Particulars of person requesting access to the record

- The particulars of the person who requests access to the record must be given below.
- The address and/or fax number in the Republic to which the information is to be sent must be given.
- 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 (*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

- 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.
- 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.

Description of record or relevant part of the record: _____

Reference number, if available: _____
Any further particulars of record: _____

E. Fees

- 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.
- You will be notified of the amount required to be paid as the request fee.
- 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.
- 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

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.
- The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an X.

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, sketches computer-generated images, 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*	copy in computer readable form*	printed copy of information derived from the record*
*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

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: _____

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.

Indicate which right is to be exercised or protected: _____

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? _____

I. Authorised signature

Signed at.....this.....day of20.....

Signature of Requester / person on
whose behalf request is made