

SENTECH SOC LTD

**PAIA MANUAL IN TERMS OF SECTION 14
OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000 (“THE ACT”)**

Prepared: Compliance Officer

1. INTRODUCTION

- SENTECH is a Schedule 3B State Owned Company (SOC) operating in the broadcasting signal distribution and is a telecommunications sector. The sole shareholder of the Company is Government as represented by the Minister of Communications. In accordance with its mandate as an SOC, SENTECH's strategy is informed by and aligned to Government's Medium Term Strategy Focus (MTSF) goals and the corporate objectives as set by the Accounting Authority.
- SENTECH began as a technical division of the South African Broadcasting Corporation (SABC) responsible for signal distribution services of the Corporation. In 1992, the SABC corporatized the division as SENTECH, a wholly owned subsidiary of the Corporation. In 1996, the SENTECH Act 63 of 1996 was amended, converting SENTECH into a separate public company responsible for providing broadcasting signal distribution services as a 'common carrier' to licensed television and radio broadcasters.
- In 2002, following the de-regulation of the Telecommunications sector, SENTECH was awarded two additional licenses allowing the Company to provide international voice-based telecommunications and multimedia services. These licenses were subsequently converted into an Individual Electronic Communications Network Service (I-ECNS) and an Individual Electronic Communications Service (I-ECS) licences in terms of the Electronic Communications Act (ECA) No.36 of 2005.

- Sentech's Mandate

- In terms of the Electronic Communications Act No. 36 of 2005 the main object of SENTECH is *"...to provide electronic communications services and electronic*

communications network services in accordance with the Electronic Communications Act.”

- **Sentech’s Vision**

- “To be a world-class provider of a sustainable communications network infrastructure and services in South Africa.”

Sentech’s Mission

- To enable affordable universal access to communication services in the context of South Africa’s socio-political imperatives as a developmental state.”

- **Sentech’s Values**

- *Integrity*
- *Accountability*
- *Quality Customer Service*
- *Innovation*
- *Social Responsibility*

2. This Manual is compiled and related to the following Acts, Regulations and Codes.

- The Constitution of the Republic of South Africa of 1996
- Basic Conditions of Employment Act 75 of 1997
- Public Finance Management Act No 1 of 1999
- Companies Act No 71 of 2008
- And any other legislation promulgated from time to time herein.

3. The Promotion of Access to Information Act 2 of 2000

- The Promotion of Access to Information Act, 2 of 2000 (“the PAIA Act”) was enacted on the 3rd February 2000. The Act gives effect to the constitutional right of access to information [whether held by the State or by any other person] provided that the information is required for the exercise or protection of any right/s.
- Where a request is made to a body in terms of this Act, such body is obliged to release the information, **except where the Act expressly provides otherwise**. The Act contains requisite procedural issues attached to such request.

4. Purpose of the Manual (In terms of the ICT area)

- This Manual is intended to proclaim Sentech ‘s commitment to a culture of transparency and accountability and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights more fully. The company does this by giving effect to the right to access information required for the exercise or protection of a right.
- To promote the effective governance of all public institutions, Sentech recognizes that South Africans should be empowered and educated to understand their rights in terms of this Act to enable them to exercise those rights *vis a vis* all institutions, whether those institutions are of a private or public nature.
- In following the example set out in terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Information Act recognizes that such right to access information cannot be unlimited and should be subject to justifiable limitations.

5. DEFINITIONS

‘Customer ‘

- Refers to any natural or juristic entity that receives services from Sentech and ‘customer’ has a similar meaning;

'Employee'

- Refers to any person who works for or provides services to or on behalf of the company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the company. This includes, without limitation, the directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers;

'Information Officer'

- means a person or persons acting on behalf of Sentech and who is responsible for discharging the duties and responsibilities assigned to the CEO of Sentech as prescribed in terms of this Act, and includes a deputy Information Officer;

"Sentech "

- Sentech is a State Owned Company (SOC) operating in the broadcasting signal distribution and telecommunications sectors and reporting to the Minister of Communications.

'Other requester'

- means any requester other than a personal requester;

'Personal requester'

- Means a requester who is seeking to access record containing personal information about that requester;

'Requester'

- means any person making a request for access to a record that is under the control of Sentech

'Third party'

- Means any natural or juristic person other than the requester or such party acting on behalf of the requester, or Sentech itself;

6. CONTACT DETAILS

Information Officer:	Mr Zunaid Adams (Executive Legal)
Postal Address :	Private Bag X06
	Honeydew
	2040
Physical Address:	Octave Street
	Ext 3
	Radiokop
	Honeydew
	2040
Telephone No:	(011) 471 4400
E-mail:	paia@ sentech.co.za

3.2 GENERAL INFORMATION:	
Name of Public Sector Body:	Sentech SOC (LTD)
Postal Address:	Private Bag X06

Honeydew	
2040	
Physical Address:	Octave Street
	Ext 3
	Radiokop
	Honeydew
	2040
Telephone Number : (011) 471 4400	
Email : paia@sentech.co.za	

7. The Section 10 Guide - [Section 14(1)(c)]

- The South African Human Rights Commission will, in terms of section 10 of the Act, compile a guide on the use of the Act. This guide will be available from the South African Human Rights Commission not later than August 2003 at the following address:

**Private Bag X2700
Houghton 2041
Tel: +27 11 484 8300
Fax: +27 11 484 0582
E-mail: PAIA@sahrc.org.za
Website: www.sahrc.org.za**

8. RECORDS

- This clause is aimed at serving as a reference to the records that Sentech holds in order to facilitate a request in terms of the Act.

- All information held by Sentech is classified and grouped according to records relating to the following subjects and categories:

9. **PERSONNEL RECORDS:**

- Personal records provided by employees of Sentech
- Records provided by individuals other than employees;
- Conditions of employment and other employee-related contractual and *quasi-legal* records;
- Internal records;
- Correspondence relating to personnel;
- Training schedules and material.

10. **CUSTOMER/CLIENT RELATED RECORDS:**

- Records provided by a customer/client to Sentech
- Records provided by a customer to a third party acting for or on behalf of Sentech
- Records provided by third parties to Sentech
- Records generated by or within Sentech relating to its customers/clients, including transactional records.

11. **RECORDS RELATING TO SENTECH**

- Financial records;

- Operational records which is made up as follows:

- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product related records;
- Statistical records;

- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of Sentech

12. OTHER RECORDS:

- Employee-, customer/client-, and records relating to Sentech itself, which are held by another party, as opposed to being held by Sentech itself;
- Records held by the institution pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by other parties, and records that third parties have provided which relate to contractors and suppliers;
- Sentech may possess records pertaining to other parties, including without limitation, temporary employees, fix term employees, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Sentech

13. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The grounds upon which Sentech could refuse access to records are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, where the requested record/s contain:
- Trade secrets of that third party;

- Financial, commercial, scientific or technical information, the disclosure of which would cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the institution, if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which are regarded as privileged in legal proceedings;

14. The commercial activities of Sentech's, which include:

- Trade secrets;
- Financial, commercial, scientific or technical information, the disclosure of which would harm the financial or commercial interests of Sentech
- Information which, if disclosed, could put Sentech at a disadvantage in negotiations or commercial competition;
- Computer programs and related information technology software owned by Sentech's and protected by copyright.
- Research information compiled by Sentech or a third party, if its disclosure would place the research at a serious disadvantage.

15. REMEDIES AVAILABLE TO A REQUESTER UPON REFUSAL OF ACCESS

- **Internal remedies:**

- Sentech does not have any internal appeal procedures that may be followed after a request to access information has been refused. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the information officer.

- **External remedies:**

- A requester dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a competent court for relief.

- Likewise, a third party that is dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a competent court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

16. REQUEST PROCEDURE

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form [Appendix 1], and submit the form together with payment of a request fee [if applicable] and a deposit, [where a request is made for access to information relating to a third party] to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraph 3.1 above.
- The prescribed form must be completed with enough particularity to at least enable the information officer to identify the following:
 - The record or records required by the requester;
 - The identity of the requester and such person acting on behalf of the requester where applicable;
 - What form of access is required, if the request is granted;
 - The telephone number, postal address or fax number of the requester (within the Republic of South Africa);
 - The requester must state that the information is required in order to exercise or protect a right, and clearly indicate what
- The nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.
- The institution will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated.
- Where an extension of the 30 day time limit is required, the requester shall be notified, together with reasons explaining why such extension is necessitated.

- The requester shall be informed whether access will be granted or whether it is refused. If, in addition, the requester requires reasons to be provided for the decision, this requirement must be stated by the requester.
- If a request is made on behalf of another person, the requester must advise the information officer of the capacity in which the requester is making the request.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make a request orally.
- Where applicable, the requester must pay the prescribed fee/s before any further processing can take place (see paragraph 10 below).

17. ACCESS TO RECORDS HELD BY Sentech

- Records in the possession of Sentech may only be accessed by a requester once the pre-requisite requirements for access have been met.
- **Personal requester**
 - Sentech will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information will be charged.
- **Other requester**
 - This requester is entitled to request access to information held on any third party or parties. However, Sentech is not obliged to grant access to such records. The requester must fulfill the pre-requisite requirements for access in terms of the Act, including the payment of a request and access fee.

18. FEES

- The Act provides for two types of fees that might be payable, namely:
- A request fee which will be a standard fee prescribed by Regulation published in the Government Gazette; and

- An access fee, which must be calculated by taking the following factors into account: reproduction costs; search and preparation time and cost and postal costs.
- When the request is received by the Information Officer, such Officer shall by notice require the requester (other than a personal requester) to pay the prescribed request fee (if applicable), before further processing the request.
- If the search for and preparation of the record for disclosure [including arrangements to make the records available in the requested form] requires more than the time prescribed by Regulation, the Information Officer shall notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- The Information Officer shall withhold a record until a requester has paid the fees as indicated in Appendix 2.
- A requester whose request for access has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the required form.
- Where a deposit has been paid in respect of a request for access, which is subsequently refused, then the information officer concerned shall refund the deposit to the requester.

19. DECISION

- The Information Officer (or person/s properly authorised to fulfill such function in the absence of the Information Officer or Deputy Information Officer) will, within 30 days after receipt of the request, decide whether to grant or decline the request and give notice with reasons (if so required by the requester) to that effect.
- The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office of Sentech and the information cannot reasonably be obtained within the original 30 day period.
- Unless otherwise required by the requester, Sentech will notify the requester in writing should an extension be necessary

20. AVAILABILITY OF THIS MANUAL

- This manual is made available in terms of Regulation Number R187 of 15 February 2002.
- This Manual is also available on the website of Sentech.

- This manual is further available at the South African Human Rights Commission and shall be published in English in the Government Gazette.
- Copies of this Manual can also be obtained from the Information Officer

APPENDIX 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM A

REQUEST FOR ACCESS TO RECORDS OF Sentech

(in terms of section 53(1) of the Promotion of Access to Information Act,
No 2 of 2000)

(Regulation 4)

A. Particulars of Sentech

B. Particulars of person requesting access to the record/s

a) The particulars of the person who requests access to the records must be provided in the space provided below

b) Furnish an address and/or fax number within the Republic of South Africa to which information must be sent

c) Proof of the capacity in which a person is making the request must be attached, if applicable

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Postal Code: _____

Telephone Number: _____

Fax Number: _____

E-mail address: _____

Capacity in which request is made, when request is made on behalf of another person:

C. Particulars of person on whose behalf request is made:

This section must only be completed if a request for information is made on behalf of another person.

Full names and Surname:

Identity Number:

D. Particulars of record/s required:

a) Provide full particulars of the record/s to which access is required, 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.

*c) **All additional folios or other annexures must be signed by the requester.***

1. Description of the record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the record/s required:

E. FEES

*a) A request for access to a record, **other than a record containing personal information about the requester** will be processed only after a **request fee** has been paid.*

b) You will be notified of the amount of the request fee.

c) The fee payable for access to a record depends on the form in which the access is required

d) If you qualify for exemption from the payment of any fee, please state the reason.

Reason for exemption from payment of the fee/s:

F. Form of Access required

If you are prevented, by a disability, from reading, viewing or listening to the record in the form of access provided for in 1 – 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 below with an 'X'

Note:

- a) Your indication as to the required form of access depends 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 to the record, if any, will be determined partly by the form in which access is required.*

1. If the record is in writing or in printed form:	
Copy of record / Inspection of the Record	
2. If the record consists of visual images:	
[This includes photographs, slides, video recordings, computer-generated images, sketches, etc.]	Copy of the images
	Transcription of the images
View the images	
3. If the record consists of recorded words or information which can be reproduced in sound:	
Listen to the soundtrack (audio cassette)	Transcription of the soundtrack (written or printed document)

If you requested a copy **YES** **NO**
or transcription of a
record (above), do you
wish the copy or
transcription to be
posted to you?
A postal fee is payable

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 pages*

Indicate which right is to be exercised or protected:

Explain why the requested record(s) is required for the exercise or protection of the
aforementioned right(s):

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 thereof 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 _____ on this, the _____ day of
_____ 20__.

21. Request fee:

- Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself/itself, a request fee in the amount of R50.00 is payable before the institution will process the request further.

22. Access fee:

- An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

Description	Fee in Rands
1.	For every photocopy of an 1,10 A4 size page or part thereof
2.	For every printed copy of an 0,75 A4 size page or part thereof held on a computer or in electronic or machine readable form
3.	For a copy in a computer- readable form on: 7,50 70,00
4.	A transcription of visual 40,00 images, for an A4 size page or part thereof
5.	For a copy of visual images 60,00

- | | | |
|----|--|------------------|
| 6. | A transcription of an audio record, for an A4 size page or part thereof | 20,00 |
| 7. | For a copy of an audio record | 30,00 |
| 8. | To search for a record that must be disclosed (per hour or part thereof reasonably required for such search) | 30,00 p/h |

9. Where a copy of a record needs to be posted, the actual postal fee will be payable

23. Deposits:

- Where the institution receives a request for access to information held on a person other than the requester himself/herself/itself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.
- The amount of the deposit is equal to 1/3 (one-third) of the amount of the applicable access fee.
- Note: in terms of regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.