

TSHINAKAHO COMMUNICATION SERVICE (PTY) LTD

REG NO: 2019 / 347827 / 07



PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

1 INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (“**the PAIA Act**”). The PAIA 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 PAIA Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the PAIA Act.

2 ISP X OVERVIEW

Tshinakaho Communication Service (PTY) LTD also known as Tshinakie Technologies and Networks provides Internet Services and Access to its customers, in both the corporate and home market.

Tshinakaho Communication Service (PTY) LTD supports the constitutional right of access to information and is committed to providing you with access to our records in accordance with the provisions of the PAIA Act, tempered by the confidentiality we owe to third parties and in accordance with the principles of South African law.

3 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (<https://tshtech.co.za/>) or by sending a request for a copy to the Information Officer by email. This Manual will be updated from time to time, as and when necessary.

4 GUIDE ON HOW TO USE THE PAIA ACT

The Information Regulator has, in terms of section 10(1) of the PAIA Act, provided a guide on how to use the PAIA Act (“**the Guide**”)

It is designed to be easily understood by a person who wishes to exercise any right provided for in the PAIA Act or in the Protection of Personal Information Act 4 of 2013 (“**the POPI Act**”).

The Guide is available in all of the official languages as well as in braille, and contains a description of, amongst other things:

- the objects of the PAIA Act and the POPIA Act;
- the postal and street address, phone and fax number and, if available, electronic mail address of the Information Officer of every public body,
- the manner and form of a request for access to a record of a public or private body;
- the assistance available from the Information Regulator in terms of the PAIA and POPIA Acts;

- the remedies available regarding an act or failure to act in respect of a right or duty conferred or imposed by the PAIA and POPIA Acts; and
- fees to be paid for requests for access to information.

During normal working hours, members of the public can inspect or make copies of the Guide from the offices of both private and public bodies, including the office of the Information Regulator, during normal working hours.

[PAIA Forms - Information Regulator \(info regulator.org.za\)](http://info regulator.org.za)

The Guide can also be obtained as follows:

- upon request to an Information Officer or to the Information by means of the relevant request form available for download at [PAIA Forms - Information Regulator \(info regulator.org.za\)](http://info regulator.org.za); and
- from the website of the Information Regulator at [PAIA Guidelines - Information Regulator \(info regulator.org.za\)](http://info regulator.org.za), where the Guide is available in English, Afrikaans, isiNdebele, isiXhosa, isiZulu, Siswati, Sepedi, Sesotho, Setswana, Tshivenda and Xitsonga.

5 HOW TO REQUEST ACCESS TO RECORDS HELD BY TSHINAKAHO COMMUNICATION SERVICE

Requests for access to records held by Tshinakaho Communication Service (PTY) LTD must be made on the request form entitled “Form 2: Request for Access to Record [Regulation 7]”, which is available from our website (<https://tshtech.co.za/>) and head office, as well the website of the Information Regulator at [PAIA Forms - Information Regulator \(info regulator.org.za\)](http://info regulator.org.za).

A request fee may be payable. The schedule of fees can be accessed at <https://www.justice.gov.za/legislation/notices/2021/20210827-gg45057gon757-PAIAregulations.pdf> (page 32) or <https://www.justice.gov.za/legislation/notices/2021/20210827-gg45057gon757-PAIAregulations.pdf> (page 32). 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, to the satisfaction of the Information Officer of Tshinakaho Communication Service (PTY) LTD, of the capacity in which the requester is making the request.

The standard form that must be used for the making of requests is Form 2. Not using this form, or not providing sufficient information, may result in your request being refused or delayed.

Kindly note that all requests to Tshinakaho Communication service (PTY) LTD will be evaluated and considered in accordance with the PAIA Act and the POPIA Act. The publication of this manual and the description of the categories and subject matter of information held by Tshinakaho Communication Service (PTY) LTD does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the PAIA Act.

6 CONTACT DETAILS

| | |
|-----------------------------|---|
| Name of Private Body | Tshinakaho Communication Service (PTY) |
|-----------------------------|---|

| | |
|--------------------------------------|--|
| | LTD |
| Designated Information Officer | Ndivhuwo Mabaya |
| Email address of Information Officer | mabaya@tshinakie.co.za |
| Postal address | 525 Reitz Street Sunnyside Pretoria 0002 |
| Street address | 525 Reitz Street Sunnyside Pretoria 0002 |
| Phone number | 0836547838 |
| Fax number | N/A |

7 VOLUNTARY DISCLOSURE

Tshinakaho Communication Service (PTY) LTD has not published a notice in terms of Section 52(2) of the PAIA Act. However, it should be noted that the information relating to Tshinakaho Communication Service (PTY) LTD and its services is freely available on ISP X's website. Certain other information relating to Tshinakaho Communication Service (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.

8 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
- Cybercrimes Act 19 of 2020

9 RECORDS HELD BY TSHINAKAHO COMMUNICATION SERVICE

Tshinakaho Communication Service (PTY) LTD maintains records on the following categories and subject matter. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records will be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the PAIA Act.

9.1 Internal records

The following are records pertaining to Tshinakaho Communication Service (PTY) LTD's 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 Tshinakaho Communication Service (PTY) LTD.

9.2 Personnel records

“Personnel” refers to any person who works for or provides services to or on behalf of Tshinakaho Communication Service (PTY) LTD and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Tshinakaho Communication Service (PTY) LTD. 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 Tshinakaho Communication Service (PTY) LTD by their personnel;
- Any records a third party has provided to Tshinakaho Communication Service (PTY) LTD 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.

9.3 Customer records

Please be aware that Tshinakaho Communication Service (PTY) LTD is committed to protecting the confidential information of its customers. Accordingly, any request for customer information must be comprehensively motivated, having regard to Sections 63 to 67 of the PAIA Act.

Customer information includes the following:

- Any records a customer has provided to Tshinakaho Communication Service (PTY) LTD or a third party acting for or on behalf of Tshinakaho Communication Service (PTY) LTD;
- 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 Tshinakaho Communication Service (PTY) LTD 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 Tshinakaho Communication Service (PTY) LTD either directly or indirectly; and
- Records generated by or within Tshinakaho Communication Service (PTY) LTD pertaining to customers, including transactional records.

9.4 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 Tshinakaho Communication Service (PTY) LTD. The following records fall under this category:

- Personnel, customer or Tshinakaho Communication Service (PTY) LTD records which are held by another party as opposed to being held by Tshinakaho Communication Service (PTY) LTD; and
- Records held by Tshinakaho Communication Service (PTY) LTD 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.

9.5 Other Records

Further records are held including:

- Information relating to Tshinakaho Communication Service (PTY) LTD's own commercial activities;
- Research carried out on behalf of a client by Tshinakaho Communication Service (PTY) LTD or commissioned from a third party for a customer; and
- Research information belonging to Tshinakaho Communication Service (PTY) LTD, whether carried out itself or commissioned from a third party.

10 PROCESSING OF PERSONAL INFORMATION

10.1 Purpose of processing

Tshinakaho Communication Service (PTY) LTD will use your personal information only for the purposes for which it was collected and agreed with you. In addition, where necessary your information may be retained for legal or research purposes.

For example:

- to gather contact information;
- to enable the execution of contracts;
- to confirm and verify your identity or to verify that you are an authorised user for security purposes;
- for the detection and prevention of fraud, crime, money laundering or other malpractice;
- to comply with legal obligations imposed on Tshinakaho Communication Service (PTY) LTD;
- to conduct market or customer satisfaction research or for statistical analysis;
- for audit and record keeping purposes; and
- in connection with legal proceedings.

10.2 Description of categories of data subjects and of the information or categories of information relating thereto

Tshinakaho Communication Service (PTY) LTD may possess records relating to members, suppliers, contractors, service providers, and staff:

| Entity Type | Personal Information Processed |
|-------------|---|
| Members | Names of members and contact persons; Physical and Postal address and contact details; Financial information; Bank details, Registration Number; Tax related information (for example VAT numbers); Founding documents; Authorised signatories, beneficiaries; |

| | |
|-------------------------------|---|
| | IP addresses assigned to members, ISPA account IDs, usernames, email addresses |
| Intermediary/Advisor | Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; Authorised signatories, beneficiaries, ultimate beneficial owners. |
| Third Party Service Providers | Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; Authorised signatories, beneficiaries, ultimate beneficial owners. |
| Employees/Directors | Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details |

10.3 The recipients or categories of recipients to whom the personal information may be supplied

Tshinakaho Communication Service (PTY) LTD may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to clients;
- Upstream service providers who require customer's data to configure and activate services;
- Network operators who need to install their network infrastructure at the customer's premises;
- installers who need to install Tshinakaho Communication Service (PTY) LTD equipment at customer premises;
- couriers tasked with collection of equipment on termination of services;
- attorneys, debt collection companies, court officials and tracing service providers;
- credit bureaux;
- law enforcement agencies and the South African Revenue Services or as otherwise directed by a court order.

10.4 Planned transborder flows of personal information

Where transborder flows of Personal Information is required, Tshinakaho Communication Service (PTY) LTD will ensure that it:

- takes steps to determine whether you are entitled to transfer personal information about a data subject to a third party in a foreign country; and
- confirms that at least one of the additional requirements have been met:
 - the third party is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection of personal information;
 - the data subject consented to the transfer of the personal information to the third party in a foreign country;

- the transfer is necessary for the performance of a contract between the data subject and your company, or for the implementation of pre-contractual measures taken in respect of a request by the data subject;
- the transfer is necessary for the conclusion or performance of a contract concluded between your company and the third party in the interests of the data subject; or
- the transfer is for the benefit of the data subject and it is not reasonably practical to obtain the consent of the data subject to that transfer and if it were practical, the data subject would have provided their consent.

10.5 Security measures implemented by Tshinakaho Communication Service (PTY) LTD

Security measures implemented or to be implemented by Tshinakaho Communication Service (PTY) LTD to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by Tshinakaho Communication Service (PTY) LTD: Sec 51 (1)(c)(v):

Tshinakaho Communication Service (PTY) LTD continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures within Tshinakaho Communication Service (PTY) LTD.