

Hypa Fibre (Pty) Ltd

2020/470615/07



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 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 pertains to Hypa Fibre (Proprietary) Limited.

1 **HYPA FIBRE (PTY) LTD OVERVIEW**

Hypa Fibre (Pty) Ltd provides certain telecommunications services, more specifically, the provision prepaid high speed internet access.

Hypa Fibre 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 www.hypa.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 HYPA FIBRE**

Requests for access to records held by Hypa Fibre must be made on the request forms that are available from below ([Form C](#)), 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 (the schedule of fees can be accessed at <https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>). 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 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 Hypa Fibre (Pty.) Ltd.

The standard form that must be used for the making of requests is Form C. 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 Hypa Fibre 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 Hypa Fibre **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	Hypa Fibre (Pty) Ltd
Designated Information Officer	Jacques Du Toit
Email address of Information Officer	jacques.dutoit@hupa.co.za
Postal address	PO Box 369 Rivonia Gauteng 2128
Street address	Rutherford Estate Block D1 1 Scott Street Waverley Gauteng 2090
Phone number	087 805 2505
Fax number	N/A

5 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

A guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by the Act. It is available in all of the official languages.

The guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

6 VOLUNTARY DISCLOSURE

Hypa Fibre has not published a notice in terms of Section 52(2) of the Act, has to date not been published, however, it should be noted that the information relating to Hypa Fibre and its services is freely available on Hypa Fibre's website. Certain other information relating to Hypa Fibre 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 71 of 2008
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Tax Administration Act 28 of 2011
- 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
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Criminal Procedure Act 56 of 1955
- Films and Publications Act 65 of 1996
- Electronic Communications and Transactions Act 25 of 2002
- Occupational Health and Safety Act & Regulations: Act 85 of 1993

8 RECORDS HELD BY HYP A FIBRE

Hypa Fibre 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 Internal records

The following are records pertaining to Hypa Fibre's own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licences
- Intellectual property
- Internal correspondence;

- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of Hypa Fibre.

8.2 Personnel records

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

8.3 Customer records

Please be aware that Hypa Fibre 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 Hypa Fibre or a third party acting for or on behalf of Hypa Fibre;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Other research conducted in respect of customers;
- Any records a third party has provided to Hypa Fibre 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 Hypa Fibre either directly or indirectly; and
- Records generated by or within Hypa Fibre pertaining to customers, including transactional records.

8.4 **Marketing**

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 Hypa Fibre. The following records fall under this category:

- Market Information
- Public Customer Information
- Product Brochures
- Leads records
- Social media accounts and history
- Performance Records
- Product Sales Records
- Marketing Strategies
- Customer Database
- Sales channel documents

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 Hypa Fibre. The following records fall under this category:

- Personnel, customer, or Hypa Fibre records which are held by another party as opposed to being held by Hypa Fibre; and
- Records held by Hypa Fibre 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 Hypa Fibre's own commercial activities;
- Research carried out on behalf of a client by Hypa Fibre or commissioned from a third party for a customer; and
- Research information belonging to Hypa Fibre, whether carried out itself or commissioned from a third party.

9 **PROTECTION OF ACCESS TO INFORMATION**

9.1 **Purpose of processing**

Hypa Fibre 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 Hypa Fibre;
- To conduct market or customer satisfaction research or for statistical analysis;
- For audit and record keeping purposes; and
- In connection with legal proceedings.

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

Hypa Fibre may possess records relating to suppliers, shareholders, contractors service providers, staff, and clients:

Entity Type	Personal Information Processed
Customers	Names of customer and contact persons; Physical and Postal address and contact details; Financial information; Bank details, Registration Number; Founding documents; Tax related information (for example VAT numbers); Authorised signatories, beneficiaries, ultimate beneficial owners; IP addresses assigned to customers, Hypa Fibre account IDs, usernames, email addresses, source and destination IP 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.
3 rd 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.

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

Hypa Fibre 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 Hypa Fibre equipment at customer premises;
- Couriers tasked with collection of equipment on termination of services;
- Lawyers, debt collection companies, court officials and tracing service providers;
- Credit bureaus;
- Law enforcement agencies and the South African Revenue Services or as otherwise directed by a court order.

9.4 **Planned transborder flows of personal information**

Where transborder flows of personal information is required Hypa Fibre will assure to:

- Take steps to determine whether you are entitled to transfer personal information about a data subject to a third party in a foreign country.
- Confirm 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.

9.5 **Security measures implemented by Hypa Fibre**

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

- Hypa Fibre 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 Hypa Fibre.

FORM C

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:

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B. Particulars of person requesting access to the record

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| (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 |
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Full names and surname:

Identity number:

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Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

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

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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:

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D. Particulars of record

- (a) 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.
- (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:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) 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.
- (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:

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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	
Mark the appropriate box with an X.			
NOTES:			
(a) Compliance with your request in the specified form may depend 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) (c) state your disability and indicate in which form the record is required. The fee payable 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:			
	copy of record*		inspection of record
2. If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, 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*		printed copy of information derived from the record*
			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.			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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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?

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Signed at this day of year

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF
REQUEST IS MADE

D. Particulars of record

- (a) 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.
- (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:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) 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.
- (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:

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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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend 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 requested.	

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, computer-generated images, sketches, 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*		printed copy of information derived from the record*		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.	YES	NO
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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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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?

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Signed at this day..... ofyear

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE