

# **PROMOTION OF ACCESS TO INFORMATION ACT**

## **SECTION 51 MANUAL**

### **SYBAWEB (PTY) LTD (Reg. No. 2012/141160/07)**

(Hereinafter referred to as SYBAWEB)

#### **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 OVERVIEW**

SYBAWEB is an Internet Services Provider (“ISP”) in the corporate and individual market and Managed Services Provider (“MSP”) in the corporate market.

SYBAWEB 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.com/>) 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**

Requests for access to records held by SYBAWEB 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.

Kindly note that all requests to SYBAWEB 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 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 ( PTY) LTD
Designated Information Officer	Mrs Clare B Nel
Email address of Information Officer	<a href="mailto:legal@sybaweb.com">legal@sybaweb.com</a>
Postal address	P O Box 24005 Claremont
Street address	23 Draper Square, Claremont 7735
Phone number	+27 (0)21 6833141

#### 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 4848300

Fax: +27 11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 6. **VOLUNTARY DISCLOSURE**

SYBAWEB 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 and its services is freely available on the SYBAWEB website. Certain other information relating to SYBAWEB 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**

SYBAWEB 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.

8.1.1. 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. This request must be made to the address, fax number or e-mail address as set out in Section 2 above.

8.1.2. 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 another manner to be used by SYBAWEB to inform the requester of the outcome, and must state these particulars.

8.1.3. 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.

8.1.4. If, in addition to a written reply from SYBWEB, the requester wishes to be informed of a decision in respect of the request, the requester must provide Sybaweb with the manner in which this response is to take place and the relevant contact details.

8.1.5. 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.

## 9. **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.

- 9.1. 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.
- 9.2. The fee payable by the requester to SYBAWEB is R1000-00 (One Thousand 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 another manner to be used by SYBAWEB to inform the requester of the outcome, and must state these particulars.
- 9.3. After the Information Officer has made a decision on the request, the requester must be notified in writing in the required form.
- 9.4. If the request is granted, a further access fee must be paid to SYBAWEB for the search, reproduction, preparation and/or for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## 10. **INTERNAL RECORDS**

The following are records pertaining to SYBAWEB own affairs and those of its divisions, subsidiary and associated companies:

Memorandum and Articles of Association

Financial records

Operational records

Intellectual records

Marketing records

Internal correspondence

Product records

Statutory records

Internal policies and procedures

Records held by officials of SYBAWEB

## 11. **PERSONNEL RECORDS**

Personnel refers to any person who works for or provides services to or on behalf of SYBAWEB and receives or is entitled to receive any remuneration and any

other person who assists in carrying out or conducting the business of SYBAWEB. 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 by their personnel;

Any records a third party has provided to SYBAWEB 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.

## 12. **CUSTOMER RECORDS**

Please be aware that SYBAWEB 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:

- 12.1. Any records a customer has provided to SYBAWEB or a third party acting for or on behalf of SYBAWEB;
- 12.2. Contractual information;
- 12.3. Customer needs assessments;
- 12.4. Personal records of customers;
- 12.5. Credit information and other research conducted in respect of customers;
- 12.6. Any records a third party has provided to SYBAWEB about customers;
- 12.7. Confidential, privileged, contractual and quasi-legal records of customers;
- 12.8. Customer evaluation records;
- 12.9. Customer profiling;
- 12.10. Performance research conducted on behalf of customers or about customers;

12.11. Any records a third party has provided to SYBAWEB either directly or indirectly; and

12.12. Records generated by or within SYBAWEB pertaining to customers, including transactional records.

13. **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. The following records fall under this category:

13.1. Personnel, customer or SYBAWEB records which are held by another party as opposed to being held by SYBAWEB; and

13.2. Records held by SYBAWEB 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.

14. **OTHER RECORDS**

Further records are held including:-

14.1. Information relating to SYBAWEB's intellectual proprietary information.

14.2. Information relating to SYBAWEB 's own commercial activities.