

	Promotion of Access to Information - South Africa	
	<i>Compliance</i>	<i>HT-HR</i>
	<i>PAIA Manual</i>	Revision:

Revision History

Document Authorisation

	Prepared	Reviewed	Approved
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**PROMOTION OF ACCESS TO INFORMATION MANUAL
(PAIA MANUAL)
IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2000**

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1. THE ACT

The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

This Promotion of Access to Information Manual ("**Manual**") has been compiled in accordance with section 14 of the Act. The aim of this Manual is to facilitate the requests for access to records from Helios Towers South Africa as contemplated under the Act.

2. COMPANY INFORMATION AND CONTACT DETAILS

Helios Towers South Africa Holdings (Proprietary) Limited with registration number: 2018/585322/07 ("**Helios Towers**") principal business lies in building, acquiring and operating telecommunications towers that are capable of accommodating and powering the needs of multiple tenants. These tenants are typically large MNOs and other telecommunications providers who in turn provide wireless voice and data services, primarily to end-consumers and businesses.

The Legal Counsel of Helios Towers has been duly appointed as the Deputy Information Officer by the Chief Executive Officer, to act as the person to whom requests for access to information must be made in terms of the Act.

ATTENTION: **Legal Counsel (Deputy Information Officer)**
Postal address: P.O. Box 5885
 Halfway House
 Midrand
 Gauteng
 1685

Physical address: 1st Floor Hertford Office Park
Block I
90 Bekker Road
Vorna Valley
Midrand

Telephone: (011) 979 7061

E-mail address: privacySA@heliostowers.com

Website: www.heliostowers.com

3. THE GUIDE

The PAIA guide is available in all official South African languages at no cost, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

The South African Human Rights Commission

PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone: +27 11 877 3600

Website: www.sahrc.org.za

or

The Information Regulator

33 Hoofd Street
Forum III, 3rd Floor Braampark
P.O Box 31533
Braamfontein, Johannesburg, 2017
Telephone: +27 10 023 5207

Website: <https://www.justice.gov.za/inforeg/index.html>

4. APPLICABLE LEGISLATION

Where applicable to Helios Towers' operations, information is available in accordance with the following legislation, including but not limited to:

- Income Tax Act 58 of 1962
- Value-Added Tax Act 89 of 1991
- Skills Development Levies Act 9 of 1999
- Pension Funds Act 24 of 1956
- Medical Schemes Act 131 of 1998
- Insurance Act 18 of 2017
- Financial Advisory and Intermediary Services Act 37 of 2002
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Employment Equity Act 55 of 1999
- Unemployment Insurance Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- National Minimum Wage Act 9 of 2018
- Maintenance of Surviving Spouses Act 27 of 1990
- Protected Disclosures Act 26 of 2000
- Competition Act 89 of 1998
- National Payment System Act 78 of 1998
- Estate Duty Act 45 of 1955
- Preferential Procurement Policy Framework Act 5 of 2000
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- National Credit Act 34 of 2005
- Consumer Protection Act 68 of 2008
- Identification Act 68 of 1997
- Corruption Act 94 of 1992

- Financial Intelligence Centre Act 38 of 2001
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Disaster Management Act 57 of 2002
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998

5. ACCESS TO RECORDS

5.1 Subjects and Categories of Records held

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records:

- Company Information
- Financial and Tax Records
- Banking Details
- Employment Records
- Intellectual Property
- Insurance Records
- Immovable and Movable Property Records
- Information Technology
- Agreements relating to the Business Activities
- Miscellaneous Agreements
- Correspondence
- Information relating to legal proceedings
- Interests and Investments

5.2 Classification and Descriptions

Class	Access classification	Class Description (Act section reference)

a	May be Disclosed	Public Access Document
b	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
c	May be Disclosed	Subject to copyright
d	Limited Disclosure	Personal Information that belongs to the requester of that information [s61]
e	May not be Disclosed	Unreasonable disclosure of personal information of Natural person [s63(1)]
f	May not be Disclosed	Likely to harm the commercial or financial interests of a third party [s64(a)(b)] Likely to harm the Company or third party in contract or other negotiations [s64 (c)]
g	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
h	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
i	May not be Disclosed	Legally privileged document [s67]
j	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
k	May not be Disclosed	Commercial information of Private Body [s68]
l	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
m	May not be Refused	Disclosure in public interest [s70]

5.3 Summary of Available Records

Departmental Records	Subject	Class
Business	Product catalogues	a,d
Development,	Public records	a
Communications and	Media releases	a
Corporate Affairs	Market information	i
Human Resources	Operating manuals	d
	Marketing and new business development strategies	l

	Customer data base	l
	Employee records	d,e,i
	Employment Contracts	d,e
	Human Resources guidelines, policies and procedures	l
	Employee Medical Records	d,e,h
Strategy and Commercial	General contract documentation	f,l
	Tax records	l
	Management accounts	d
	Asset registers	l
	Statutory records	a
	Company guidelines policies and procedures	d
Technical	Programme management records	l
	Trademarks	l
	Quality records	l
	Engineering records	l
Properties	Asset registers	l
	Title deeds	d
	Leases	d

5.4 The Request Procedure and Fees

- 5.4.1 The requester must use the prescribed form (Annexure A) to make the request for access to a record. This must be made to the Deputy Information Officer. This request must be made to the physical address or electronic mail address of the Deputy Information Officer of Helios Towers.
- 5.4.2 The requester must provide sufficient detail on the request form to enable the Deputy Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 5.4.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.

- 5.4.4 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Deputy Information Officer.
- 5.4.5 The Deputy Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the fee of R50 before further processing the request. A personal requester does not pay such fee.
- 5.4.6 The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- 5.4.7 The Deputy Information Officer will then decide on the request and notify the requester in the required form.
- 5.4.8 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

6. REFUSAL OF ACCESS TO RECORDS

6.1 Grounds to refuse Access

- 6.1.1 All requests that meet the requirements detailed above in clause 5.4 will be processed in line with the time limits as set out in PAIA. Requests may be refused based on the following grounds, as set out in PAIA
- Mandatory protection of privacy of a third party who is a natural person;
 - Mandatory protection of commercial information of a third party;
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of Helios Towers; or
 - Mandatory protection of research information of a third party and of Helios Towers.
- 6.1.2 Requestors will be informed within 30 (thirty) days of a decision on whether the request for access has been granted or refused.
- 6.1.3 This 30 (thirty) day period may be extended for a further 30 (thirty) day period if more time is required to gather the requested information. The requestor will however be notified if the initial 30 (thirty) day notice period will be extended for a further 30 (thirty) days.

6.1.4 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;

6.1.5 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

6.2 Additional Grounds

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party.

7. REMEDIES

7.1 Internal Remedies

Helios Towers does not have internal appeal procedures. The decision made by the Deputy Information Officer is final. Requesters 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 Deputy Information Officer.

7.2 External Remedies

7.2.1 A requestor that is dissatisfied with the Deputy Information Officer's reasons for refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

7.2.2 A third party dissatisfied with the Deputy Information Officer's reasons for refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For the purposes of the Act, the relevant Courts that have jurisdiction for such applications are:

- Constitutional Court;
- High Court;
- Another court of similar status; or
- Magistrate's Court designated by Minister of Justice and Constitutional Development.

8. PRESCRIBED FEES

8.1 The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two types of fees payable:

- **Request fee:** A non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- **Access fee:** An access fee is payable prior to being granted access to the records in the form required. These fees are prescribed in Part III of Annexure A as defined in Government gazette Notice No. 187, Regulation 11.

8.2 When the request is received by the Deputy Information Officer, such officer will by notice require the requester to pay the prescribed fee before further processing of the request.

8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Deputy Information Officer will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

8.4 The Deputy Information Officer will withhold a record until the requester has paid the relevant fee.

8.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for the 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 requested form.

- 8.6 If a deposit has been paid in respect of a request for access, which is refused, the Deputy Information Officer concerned must repay the deposit to the requester.
- 8.7 All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters will be informed of any changes to the fees prior to making a payment.

9. AVAILABILITY OF THE MANUAL

- 9.1 The manual is available for inspection at the offices of Helios Towers at no cost and on the website <https://www.heliostowers.com/where-we-work/south-africa/>. Copies are also available with the SAHRC.
- 9.2 This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. The manual will be updated at such intervals as may be deemed necessary.

10. ATTACHMENTS

Appendix A: Request for Information Form



“APPENDIX A”

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]

1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Full Names & Surname: _____
Identification Number: _____
Telephone Number: _____
Fax Number: _____
E-Mail Address: _____
Postal Address: _____
_____ Code: _____

2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

Only complete this section if a request for information is made on behalf of another person.

Full Names & Surname: _____
Identification / Company Number: _____

3. PARTICULARS OF REQUESTED INFORMATION

Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to this form. Any additional pages submitted must be initialled and signed.



Signature of person submitting the request.

On whose behalf request is made.