

**THE PROMOTION OF ACCESS TO INFORMATION ACT  
SECTION 51 MANUAL FOR**

The Wireless Application Service Providers' Association  
(hereinafter referred to as WASPA.)

**Nonprofit Organisation**

**1. INTRODUCTION:**

WASPA's mission is to provide a non-profit forum in which members can address issues of common interest and interface with industry stakeholders, network operators, government and regulatory organisations, both locally and internationally so that end-users receive world-class service and industry participants earn a fair return on their investments.

**2. CONTACT DETAILS: INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT**

Contact Person: Anthony Ekerold  
Nonprofit Organisation Number: 115-491  
Postal Address : P.O. Box 20153, Big Bay, 7448  
Street Address : % Brimelow, de Oliveira & Ekerold Attorneys (BDE Attorneys)  
16 Langford Road, Westville, 3629  
Telephone: +27-31-267-0430  
Fax: +27-86-677-9824  
Designated Information Officer: Anthony Ekerold  
Email address of Information Officer: anthony@waspa.org.za  
Website: www.waspa.org.za

**3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

3.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Street Address: Braampark Forum 3, 33 Hoofd Street, Braamfontein.

Telephone Number: +27-11-877 3600

Email: info@sahrc.org.za

Website: www.sahrc.org.za

#### **4. RECORDS AVAILABLE IN TERMS OF APPLICABLE LEGISLATION: SECTION 51(1)(d)**

Records available in terms of other legislation are as follows:

Labour Relations Act 66 of 1995  
Employment Equity Act 55 of 1998  
Basic Conditions of Employment Act 75 of 1997  
Compensation for Occupational Injuries and Disease Act 130 of 1993  
Companies Act 71 OF 2008  
Unemployment Insurance Act 63 of 2001  
Value Added Tax Act 89 of 1991  
Income Tax Act 58 of 1962  
Skills Development Act 9 of 1999  
Insolvency Act No. 24 of 1936 ( sections 134 and 155)  
Occupational Health and Safety Act No. 85 of 1993  
Consumer Protection Act 68 of 2008  
Electronic Communications and Transactions Act 25 of 2002

#### **5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE PRIVATE BODY : SECTION 51(1)(e)**

Webpage

The webpage of the Nonprofit Organisation is [www.waspa.org.za](http://www.waspa.org.za), accessible to anyone with access to the internet has information covering the following:

About the company  
About its services  
Contact details

Records that may be refused:

Note that access to the following documents and information listed in items 5.1 – 5. 4 below may be refused in accordance with provisions of the Act.

##### **5.1. COMPANIES ACT RECORDS**

Documents of incorporation  
Memorandum and Articles of Association  
Minutes of Board of Directors meetings  
Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers  
Share Register and other statutory registers

##### **5.2. FINANCIAL RECORDS**

Annual Financial Statements  
Accounting Records  
Banking Records  
Bank Statements  
Paid Cheques  
Electronic banking records  
Asset Register

Rental Agreements  
Invoices

### **5.3. INCOME TAX RECORDS**

PAYE Records  
Documents issued to employees for income tax purposes  
Records of payments made to SARS on behalf of employees  
All other statutory compliances:  
VAT  
Skills Development Levies  
UIF  
Workmen's Compensation

### **5.4. PERSONNEL DOCUMENTS AND RECORDS ( where applicable)**

Employment contracts  
Employment Equity Plan  
Medical Aid records  
Pension Fund records  
Disciplinary records  
Salary records  
SETA records  
Disciplinary code  
Leave records  
Training records  
Training Manuals

## **6. FORM OF REQUEST (Section 51 (1) (e))**

To facilitate the processing of your request, kindly:

- 6.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).
- 6.2 Address your request to the Head of the Company (CEO).
- 6.3 Provide sufficient details to enable the COMPANY to identify:
  - (a) The record(s) requested;
  - (b) The requester (and if an agent is lodging the request, proof of capacity);
  - (c) The form of access required;
  - (d)(i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
  - (f) Please attach the Fee schedule to the manual downloadable from the SAHRC website and the prescribed form C which is also available from the SAHRC website.

7. **PRESCRIBED FEES** (Section 51 (1) The following applies to requests (other than personal requests):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,

if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.