



THE PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 (“ACT”) 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

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Designated Information Officer: Anthony Ekerold
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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
- Protection of Personal Information Act 4 of 2013

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, 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.

In addition to the documents listed below, any request which is made in terms of the Protection of Personal Information Act 4 of 2013, may or must, as the case may be, be refused in accordance with section 23(4)(a) thereof, if the grounds for refusal for access to records set out in the applicable sections of Chapter 4 of Part 3 of the Act apply.

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.

6.2 Address your request to the Head of the Company (ME).

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;

7.6 A requestor is not required to pay any fee for a request which is made in terms of section 23(1)(a) of the Protection of Personal Information Act 4 of 2013,

7.7 A requestor is required to pay the prescribed fees (R50.00), for a request which is made in terms of section 23(1)(b) of the Protection of Personal Information Act 4 of 2013, before the request will be processed.

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.

8. REQUEST FOR PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

8.1 A requestor, having provided adequate proof of identity to the head of the private body, has the right in terms of section 23 of the Protection of Personal Information Act 4 of 2013, to request confirmation as to whether the private body holds any personal information about the requestor, and;

8.2 A requestor has the right to request from the private body the record, or a description of the personal information, about the requestor held by the private body, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the personal information of the requestor.

8.3 A requestor has the right to request that any personal information held by the private body and disclosed pursuant to a request in terms of section 23(1) of the Protection of Personal Information Act 4 of 2013, be corrected in accordance with section 24 of thereof.

8.4 In terms of section 24 of the Protection of Personal Information Act 4 of 2013, a requestor may, in the prescribed manner, request a private body to;

8.4.1 correct or delete personal information about the requestor which is in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained, or;

8.4.2 destroy or delete a record of personal information about the requestor that the private body is no longer authorised to retain in terms of section 14 of the Protection of Personal Information Act 4 of 2013.

8.5. The provisions of section 53 of the ACT apply to any requests made in terms of section 23 of the Protection of Personal Information Act 4 of 2013.