



## **Smartcall Technology Solutions (Pty) Limited**

### ***Access to Information Manual***

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Promotion of Access to Information Act, 2 of 2000**

## Contents

1	Overview and Introduction .....	1
1.1	The Promotion of Access to Information Act .....	1
1.2	The South African Human Rights Commission .....	1
1.3	About Smartcall .....	1
	Smartcall Technology Solutions (Pty) Limited .....	1
2	Smartcall's Access to Information Officer .....	3
3	How to Access the Smartcall Access to Information Manual .....	4
4	Records held by Smartcall .....	5
4.1	Internal Records .....	5
4.2	Human Resource Records .....	5
4.3	Customer Records .....	5
4.4	Other Parties and other Records .....	6
5	Prior to Submitting a Request for Access Information .....	7
5.1	Does the Promotion of Access to Information Act Apply .....	7
5.2	Does the Information Requested Exist as a Record? .....	7
5.3	Is the record in the possession or under the control of Smartcall? .....	7
5.4	Is the PAIA process necessary? .....	7
6	How to Submit a Request for Access to Information .....	8
7	Prescribed Fees .....	9
7.1	On Making the Request .....	9
7.2	Consideration of the Request .....	9
7.3	Remedies .....	10
	Appendix A - Request Form for Access to Information of a Private Body .....	11
	Appendix B – Fees in Respect of Private Bodies .....	16

# 1 Overview and Introduction

## 1.1 The Promotion of Access to Information Act

The Promotion of Access to Information Act, 2 of 2002 (PAIA), was legislated to give effect to the constitutional right of access to information held by the state and information that is held by another person. The Act facilitates access to information that is required to exercise or protect a right.

Smartcall Technology Solutions (Pty) Limited, as a private body defined in the Act, is bound to give effect to the purposes of this legislation and to process a request made in terms of the Act.

This information manual (Manual) provides an outline of the types of records held by Smartcall Technology Solutions (Pty) Limited and explains how a request for access to the records should be made.

## 1.2 The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is the national institution established to entrench constitutional democracy and appointed to administer the Act. Should you require further information please visit the Commission's website <http://www.sahrc.org.za>.

## 1.3 About Smartcall

Smartcall Technology Solutions (Pty) Limited (Smartcall) is a privately held company incorporated in and subject to the laws of South Africa. Smartcall is a Wireless Application Service Provider.

<b>Smartcall Technology Solutions (Pty) Limited</b>	
Name	Smartcall Technology Solutions (Pty) Limited
Legal status	Privately held company
Physical address and the address for receipt of legal service of documents	15 Eastwood Road Dunkeld 2024 Johannesburg
Postal address	PO Box 412041 Craighall 2124
Phone number	+27 (0)11 507 4779 (switchboard)

	+27 (0)11 507 4630 (customer care)
Facsimile numbers	+27 (0)86 650 1083
Website address	<a href="http://www.smartcalltech.co.za">http://www.smartcalltech.co.za</a>
Email address	info@smartcalltech.co.za
Company registration number	2000/006777/07
VAT registration number	4780246692
Place of registration	South Africa
Directors and office bearers	Schmidt, Sacha Eve and Two-K administration

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## 2 Smartcall's Access to Information Officer

Smartcall Access to Information Officer	
Name	Lisa Hodge
Phone Number	+2782 990 1577
Facsimile Number	Not applicable
Email Address	<a href="mailto:lisa@smartcalltech.co.za">lisa@smartcalltech.co.za</a>

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### 3 How to Access the Smartcall Access to Information Manual

The Smartcall Access to Information Manual is available on the company website <http://www.smartcalltech.co.za> and by requesting a copy from the Smartcall Access to Information Officer. Contact details are provided above.

The Manual may also be inspected at our head office and at the SAHRC.

Requests for records held by Smartcall must be made on the request form in **Appendix A** below.

Please note that requests for access to information require payment of the prescribed fees set out in **Appendix B** below.

The Manual will be updated from time to time, as required.

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## 4 Records held by Smartcall

Smartcall creates and maintains records in the categories set out below. Not all of these records will be available on request. Each request will be individually assessed on a case-by-case basis in accordance with the provisions of the Act.

### 4.1 Internal Records

- Financial records;
- Operational records;
- Marketing records;
- Intellectual property records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Smartcall.

### 4.2 Human Resource Records

Human resource records are those relating to employees and other persons that are remunerated by Smartcall. This category includes temporary and permanent staff and management as well as consultants and contractors:

- Personal records provided to Smartcall by the categories of persons mentioned above;
- Personal records provided to Smartcall by third parties;
- Employment and contractor records;
- Correspondence;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records.

### 4.3 Customer Records

These may include the following records a customer has submitted to Smartcall or a third party acting for or on behalf of Smartcall:

- Credit records or other research conducted by Smartcall;

- Personal and customer information submitted through websites;
- Information on customer activities and preferences;
- Records a third party has submitted to Smartcall either directly or indirectly; and
- Records generated by or within Smartcall pertaining to customers. This may include, but not be limited to, transactional records.

#### **4.4 Other Parties and other Records**

Records are kept in respect of other parties such as commercial banks, auditors, suppliers, joint venture companies and the like. Furthermore, such parties may possess records which can be said to belong to Smartcall. The following records fall under this category:

- Personnel, customer, or Smartcall records which are held by another party as opposed to being held by Smartcall; and
- Records held by Smartcall pertaining to other parties. This may include, but not be limited to, financial records, correspondence and contractual records.

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## **5 Prior to Submitting a Request for Access Information**

Prior to submitting a request for access to information please consider the steps outlined below.

### **5.1 Does the Promotion of Access to Information Act Apply**

Before you can request access to information, it must be established that the PAIA applies.

Section 7 (1) of the Act states that the PAIA does not apply to a record if the record is requested for the purpose of criminal or civil proceedings, requested after the commencement of such proceedings and the production of access to a record for such purposes is provided for in any other law.

If this is the case, you may need to use the rules of court and procedures for legal discovery of information in the relevant forum and proceedings in which you are involved.

### **5.2 Does the Information Requested Exist as a Record?**

The Act only applies to records that exist at the time a request for access to the record is made. The Act does not require anyone to create a record following a request. Nor can the Act be used to request reasons for decisions taken by Smartcall.

### **5.3 Is the record in the possession or under the control of Smartcall?**

The Act takes into consideration the fact that records requested may no longer be in the possession of or under the control of Smartcall and are therefore not available following a request.

If this is the case, you may need to seek access to a record from a third party that either possesses or controls it. It is also possible that the record has ceased to exist or never existed in the first place.

### **5.4 Is the PAIA process necessary?**

Prior to making a request for access to information through the PAIA process please consider asking for the information as a matter of course.

This would require identifying an appropriate person within Smartcall who may or may not be the designated Access to Information Officer and simply asking them for the information prior to resorting to legal process.

## 6 How to Submit a Request for Access to Information

Please complete **Appendix A** of this Manual as well as referring to **Appendix B** which details the prescribed fees.

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## 7 Prescribed Fees

The Act provides for two types of fees. These are:

- A standard request fee; and
- An access fee which must be calculated in relation to the search, preparation, reproduction, time and postal service costs involved.

### 7.1 On Making the Request

The person making the request for access to information must pay the prescribed fee of R50.00 (Fifty South African Rand) before submitting a request and provide proof of payment. The proof of payment must accompany the request form for access to information.

If the search, preparation and arrangements needed to make the record available require more time than prescribed in the regulations for this purpose the Access to Information Officer will request a further payment and may withhold a record until such amount is paid.

Where access to a record has been granted the person making the request must pay an access fee for the following:

- Reproduction of the record;
- Search and preparation of the record; and
- Time reasonably expended in excess of the prescribed hours set out for these purposes.

A refund may be requested for deposits if access to information is denied.

### 7.2 Consideration of the Request

Subject to the provisions of the Act in respect of the extension of time period, the request for information will be processed within thirty (30) days. Thereafter, you will be informed in writing as to whether access has been granted or denied.

The grounds for Smartcall to refuse a request for information are related to the following:

- The Act provides for the mandatory protection of the privacy of a third party natural person where disclosure would be unreasonable;
- The Act provides for the mandatory protection of commercial information of third parties where disclosure, if the record contains trade secrets, financial, commercial, scientific or technical information and the like, would be likely to cause harm to the third party or where information disclosed in confidence by a third party could result in disadvantage to third party negotiations and commercial competition.
- The Act provides for the mandatory protection, if protected in terms of an agreement, of confidential information of third parties.
- The Act provides for the mandatory protection of the safety of individuals and property.
- The Act provides for the mandatory protection of records which would be regarded as privileged in legal proceedings.

- Smartcall's commercial activities where the disclosure of such activities' records, including, but not limited to trade secrets, financial, commercial and technical information, are likely to cause harm to Smartcall in its commercial negotiations or in the commercial marketplace.

### **7.3 Remedies**

Smartcall does not have an internal appeal process. The decision made by the Access to Information Officer is final. If your request is denied you are entitled to apply to a competent court for relief.

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## Appendix A - Request Form for Access to Information of a Private Body

This annexure must accompany the cover letter addressed to the Access to Information Officer.

### A. For the attention of:

Smartcall's Access to Information Officer	
Name	Lisa Hodge
Phone Number	+2782 990 1577
Facsimile Number	Not applicable
Email Address	lisa@smartcalltech.co.za

### B. Particulars of the person requesting access to the record:

Person Requesting Information	
First name(s)	
Family name	
Identity number	
Proof of capacity in which the request is made (if applicable), and / or whether the request is made on behalf of another person.	
Postal address	
Physical address	
Email address	
Phone number	
Facsimile number	

### C. Particulars of person on whose behalf the request is made:

This section must only be completed if the request for information is made on behalf of another person.

Request on behalf of another	
First name(s)	
Family name	
Identity number	

**D. Particulars of the records requested:**

The Record(s)	
<p>Please provide details of the record(s) to which access is requested which will assist Smartcall in locating the record. This may include reference numbers, dates, persons involved, etc.</p> <p>If more space is needed than this form provides, please attach a separate page(s) and sign all additional pages.</p>	

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**E. Fees and exemptions**

A request for access to records other than a record containing personal information about you will only be processed after the request fee has been paid. You will be notified of the amount required. 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 the record for transmission to you.

If you seek an exemption from payment of prescribed fees please provide reasons below.

Reason(s) for exemptions	
Reason 1	
Reason 2	

**F. Form of the access to the record**

If you suffer from a disability and / or require the record in any particular form please provide details below and we will do our best to accommodate you.

Form of the record	
Disability	
Form in which the record is required	
Copy of the record	
Inspection of the record	
The viewing of images	
Copy of images	
Transcription of images or sound	
Conversion of written word to sound	
Recorded soundtrack	
Printed copy of information derived from record	
Computer readable form, such as stiffer disc or compact disc	
Other	

*Note: We have retained terminology from the Act which refers to stiffer discs and other outdated media. Please note that in all instances, this will be regarded as equivalent to versions of*

*electronic information in any format as per the definition of 'data' in the Electronic Communications and Transactions Act, 25 of 2002.*

### G. Particulars of the right to be exercised or protected

Right(s)	
Please describe the right(s) you seek to exercise or protect.  If the space is insufficient please provide an extra page(s) as described above and sign it.	
Please describe why or how the record that is sought will be helpful in the exercise or protection of such right(s).	

### H. Notice of Smartcall's decision

You will be notified in writing as to whether your request for access to information has been approved or denied. Please confirm how you would like to receive this notification.

Notification of decision in writing	
By post to postal address	
By post to physical address	
By email	
By facsimile	

Signed at \_\_\_\_\_ this \_\_\_\_\_, day of \_\_\_\_\_ 201\_.

Signature of person requesting information.

\_\_\_\_\_

Signature of the person on whose behalf the request is made.



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<b>Internal Smartcall use only</b>	
Reference number	
Access to Information Officer	
Request fee	
Deposit fee (if applicable)	
Access fee (if any)	
Signature of Access to Information Officer	

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## Appendix B – Fees in Respect of Private Bodies

Item	Reference	Record Description	Fee in ZAR
1.	Regulation 9(2)(c)	Copy of the Manual - for every photocopy of an A4-size page or part thereof	1.10
2.	Regulation 11(1)	Reproduction	
2(a)		For every photocopy of an A4-size page or part thereof	1.10
2(b)		For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0.75
2(c)		For a copy of a computer readable form on:	
		(i) stiffy disc	7.50
		(ii) compact disc	75.00
2(d)		(i) for a transcript of visual images on an A4 size page or part thereof	40.00
		(ii) for a copy of visual images	60.00
2 (e)		(i) for a transcription of an audio record on an A4 size page or part thereof	20.00
		(ii) for a copy of an audio record	30.00
3.	Regulation 11(2)	The request fee payable by a person requesting information other than the person himself or herself	50.00
4.	Regulation 11(3)	The access fee payable by a person requesting information	
4(1)(a)		For every photocopy of an A4 size page or part thereof	1.10
4(1)(b)		For every printed copy of an A4 size page or part thereof held on a computer or in electronic or	0.75

		machine-readable form	
4(1)(c)		For a copy in a computer readable form on:  (i) stiffer disc	7.50
		(ii) compact disc	70.00
4(1)(d)		(i) for a transcription of visual images on an A4 size page or part thereof	40.00
		(ii) for a copy of visual images	60.00
4(1)(e)		(i) for a transcription of an audio record on an A4 size page or part thereof	20.00
		(ii) for a copy of an audio record	30.00
4(1)(f)		To search for and prepare the records for disclosure	R30.00 per hour or part thereof (first hour excluded)
4.2	Section 54 (2) of the Act		
4.2(a)		Six hours are the hours to be exceeded before a deposit is payable; and	
4.2(b)		One third of the access fee is payable as a deposit by the person requesting information	
4.3		Actual postage is payable when a record must be posted to a person requesting information	