

PAIA MANUAL

as prescribed by the provisions of
section 51 of the Promotion of Access to Information Act, 2000

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1. INTERPRETATION

1.1. SBA Towers South Africa (Proprietary) Limited is defined as a private body in terms of the Act.

1.2. In this Manual, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings:

- | | | |
|--------|------------------------------|---|
| 1.2.1 | “the Act” | the Promotion of Access to Information Act No 2 of 2000 and the Regulations to the Act. |
| 1.2.2 | “SBA” | SBA Towers South Africa (Proprietary) Limited, registration number 2014/077051/07, a subsidiary of SBACC; |
| 1.2.3 | “Constitution” | the Constitution of the Republic of South Africa, 1996; |
| 1.2.4 | “Information Officer” | the individual appointed in terms of the Protection of Personal Information Act No. 4 of 2013; |
| 1.2.5 | “Manual” | this Manual prepared in accordance with section 51 of the Act; |
| 1.2.6 | “Record” | any recorded information regardless of form or medium in the possession or under the control of SBA; |
| 1.2.7 | “Requester” | any person or entity requesting access to a record held by SBA; |
| 1.2.8 | “Request for Access” | a request for access to SBA in terms of the Act in respect of records held by SBA; |
| 1.2.9 | “SAHRC” | the South African Human Rights Commission; |
| 1.2.10 | “SBACC” | means the holding company of SBA with Federal |

Employer Identification Number: 65-0716501 and registered in the State of Florida within the United States of America;

1.2.11 **“Section 10 Guide”**

the guide compiled by the South African Human Rights Commission in terms of section 10 of the Act;

2 INTRODUCTION

- 2.1 SBA is an independent global Wireless Infrastructure company. Since 2014, we have been developing multi-use wireless infrastructure as a critical catalyst for improved wireless connectivity in South Africa. SBA is a company born from town planning and uses this experience to provide scalable infrastructure that will survive the test of time.
- 2.2 We recognise the rights contained in the Constitution. Accordingly, section 32 of the Constitution provides for the Right of Access to Information held by the State and any information that is held by another person or entity, that is required for the exercise or protection of any rights.

3 PURPOSE OF THE MANUAL

- 3.1 This Manual was compiled, not only to comply with legislative requirements, but also to provide a Requester details on the relevant procedures to be followed and the way a request for access to information will be facilitated.

4 CONTACT DETAILS OF THE INFORMATION OFFICER IN TERMS OF SECTION 51(1)(a)

Information Officer:	Paul Jansen Van Rensburg
Physical address:	Cecilia Square, 100 Cecilia Street, Paarl, 7646, South Africa
Postal address:	Postnet Suite 174, Private Bag X3036, Paarl, 7620
Telephone number:	+27 21 870 1302 or +27 83 212 2815
E-mail address:	pjansenvanrensburg@atlastowers.co.za

Deputy Information Officer:	Suné Meyer
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Physical address:	Cecilia Square, 100 Cecilia Street, Paarl, 7646, South Africa
Postal address:	Postnet Suite 174, Private Bag X3036, Paarl, 7620
Telephone number:	+27 21 870 1302 or +27 82 805 4006
E-mail address:	sumeyer@atlastowers.co.za

5 SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51(1)(b)

- 5.2** 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.
- 5.3** If a public body lodges a request for access to information with SBA, the public body must be acting in the public interest.
- 5.4** Requests in terms of the Act shall be made in accordance with the prescribed procedures and at the rates provided and gazetted by the Minister of Justice and Constitutional Development from time to time. The applicable forms and tariffs are specified in the Act.
- 5.5** Requesters are referred to the Section 10 Guide which will contain information that will be of assistance to the Requester for the purposes of exercising their constitutional rights.
- 5.6** This guide is available from the SAHRC at:

Postal Address:	Private Bag X2700 Houghton, 2041
Physical Address:	Braampark Forum 3, 33 Hoof Street, Braampark, Johannesburg, 2017
Telephone number:	+27 11 877 3600
Fax number:	+27 11 403 0684
E-mail:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

6 RECORDS OF SBA WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(d)

- 6.2** Schedule of Records:

The Schedule of Records as contained in **Appendix 1** of this Manual details the records that are held and/or processed by SBA for the purposes of the Act. Access to such records may not be granted if they are subject to the grounds of refusal which are specified in paragraph 12 below.

6.3 List of applicable legislation:

6.3.1 SBA also retains records which are required in terms of legislation other than the Act.

6.3.2 Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a record other than in terms of the procedure set out in the Act are set out in **Appendix 2**.

7 SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF SBA

7.2 A Requester must comply with all the procedural requirements as contained in section 53 of the Act relating to a Request for Access.

7.3 A Requester must complete the prescribed form attached as **Appendix 3** and submit the completed form as well as confirmation of payment of the applicable fee / deposit for the attention of the Information Officer.

7.4 On the prescribed form, clear and sufficient details must be provided to enable SBA to ascertain:

7.4.1 the identity of the Requester (if the Requester is represented by an agent, sufficient proof showing authority to represent the Requester and the identity of the agent must be included);

7.4.2 the Record/s requested;

7.4.3 the right that the Requester is seeking to exercise or protect with an explanation of the reason/s the Record is required to exercise or protect the right;

7.4.4 the form of access required; and

7.4.5 the postal address, fax number or email address of the Requester.

7.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

- 7.6** Upon receipt of a Request for Access, the Information Officer will consider the request and notify the Requester of his/her decision by way of a sworn affidavit, within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the Requester of external remedies which the Requester may pursue to dispute the Information Officer's decision.

8 INFORMATION REQUESTED ABOUT A THIRD PARTY

- 8.2** Where any information relating to a third party is requested from SBA by a Requester, SBA will notify the third party of the request.
- 8.3** The third party will have an opportunity to grant his / her / its consent to the disclosure of the Record or to make representations as to why the requested record should not be disclosed to the Requester.
- 8.4** Where SBA decides to grant access to the Record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

9 FEE SCHEDULE IN TERMS OF SECTION 54

- 9.2** When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester to pay the prescribed fee before a request will be processed.
- 9.3** If the preparation of the Record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the Request for Access was granted).
- 9.4** The Information Officer may withhold access to the Record until the requisite fees have been paid.
- 9.5** If a Request for Access is granted, an access fee must be paid before such information is made available to the Requester.
- 9.6** If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.

9.7 The prescribed fees are set out in **Appendix 4**.

9.8 Personal requests will not be subject to a fee.

10 DECISION TO GRANT ACCESS TO RECORDS

10.2 SBA will decide whether to grant or decline the Request for Access within 30 days of receipt thereof and must give notice to the Requester with reasons (if required) to that effect.

10.3 The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for many records or the Request for Access requires a search for records held at another office of SBA and the records cannot reasonably be obtained within the initial 30-day period.

10.4 SBA will notify the Requester in writing should an extension of time as contemplated above be required.

10.5 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

11 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4

12.1 SBA may, subject to the exclusions contained in section 7 and 70 of the Act, refuse a Request for Access in the following circumstances:

11.2.1 the mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable;

11.2.2 the mandatory protection of the commercial information of a third party, if the Record contains:

11.2.3 trade secrets of that third party;

11.2.4 financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or

- 11.2.5 information disclosed in confidence by a third party to SBA, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 11.2.6 the mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.2.7 the mandatory protection of the safety of individuals and the protection of property;
- 11.2.8 the mandatory protection of records that would be regarded as privileged in legal proceedings;
- 11.2.9 the protection of the commercial information of SBA, which may include:
 - 11.2.9.1** trade secrets;
 - 11.2.9.2** financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of SBA;
 - 11.2.9.3** information which, if disclosed, could put SBA at a disadvantage in contractual or other negotiations or prejudice SBA in commercial competition; and/or
 - 11.2.9.4** computer programs which are owned by SBA, and which are protected by copyright and intellectual property laws;
- 11.2.10 the mandatory protection of research information of SBA or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 11.2.11 requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

12 INFORMATION OR RECORDS NOT FOUND

- 12.2** Where SBA has taken all reasonable steps to find a record, but such record is not found, or is found not to exist, SBA will provide notification of this to the Requester in the form of a sworn affidavit.
- 12.3** The sworn affidavit will provide a full account of all steps taken by SBA to find the record or to determine the existence thereof.
- 12.4** If the requested record is later found by SBA, the Requester shall be notified and furnished with the requested document in the manner stipulated by the Requester in the application for access to information previously lodged by the Requester (this will apply to instances where SBA does not object to disclosing the requested information).

12.5 Where the requested record is later found but the Information Officer objects to disclosing the record to the Requester on the grounds set out in Chapter 4 of the Act, the Information Officer shall notify the Requester of the decision and advise the Requestor of the available external remedies.

13 REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF SECTION 78

13.2 Internal Remedies

13.2.1 SBA has not adopted an internal appeal procedure. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

13.3 External Remedies

13.3.1 A Requester may apply to a court within 180 days of notification of the decision for appropriate relief.

14 AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3)

14.2 This Manual is available at the offices of SAHRC and at the offices of SBA for inspection during normal business hours. No fee will be levied for inspection as contemplated in this clause.

14.3 Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the Manual in accordance with **Appendix 4**.

APPENDIX 1

DESCRIPTION OF THE SUBJECTS ON WHICH SBA HOLDS RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT AS REQUIRED BY SECTION 51(1)(E) OF THE ACT

Note: the accessibility of these records may be subject to the grounds of refusal set out in this Manual.

1. CORPORATE GOVERNANCE

Codes of Conduct	Policies
Corporate Social Investment Records	Legal Compliance Records

2. FINANCE AND ADMINISTRATION

Annual Financial Statements	Remittances
Annual Financial Reports	Asset Registers
Agreements	Tax Records and Returns
Bank Statements	Banking Details and Bank Accounts
Banking Records	Debtors / Creditors Statements and Invoices
General Ledgers and Subsidiary Ledgers	General Reconciliation
Correspondence	Purchase Orders

3. HUMAN RESOURCES

BEE Statistics	Employment Equity Reports
Career Development	UIF Returns
Personnel Information	Retirement Benefits
PAYE Records and Returns	Medical Aid Records
Performance Management Records	Employment Agreements
Policies and Procedures	Termination Records
Leave Records	Performance Evaluation

Standard letters and Notices	Payroll Reports
Payslips	IRP5's
Workplace and Union Agreements	Safety, Health and Environmental Records
Labour Disputes & Disciplinary matters	Disciplinary Code & Policies
Grievance Procedure	Employee Training

4. INFORMATION TECHNOLOGY

Agreements	Equipment registers
Audit trail files	Back up files
Data documentation	User Access records
Information policies	

5. INSURANCE

Policies	Insurance Claim Files
Correspondence	

6. INTELLECTUAL PROPERTY

Trademarks	Patents
Copy Right	Design
Licenses	

7. LEARNING AND EDUCATION

Training material	Learnership Programmes
Training records and statistics	Training agreements

8. MARKETING

Proposal Documents	Agreements
New Business Development	Client Relationship Programmes
Brand Information Management	Marketing Publications and Brochures
Marketing Strategies	Sustainability Programmes
Communication Strategies	

9. MOVABLE AND IMMOVABLE PROPERTY

Title Deeds	Hire-Purchase Agreements
Hire Agreements	Ordinary and Conditional Sale Agreements
Credit Sale Agreements	Vehicle registration documents
Lease Agreements with Telecommunication Service Providers	Lease agreements with Landowners

10. OPERATIONS

Access Control Records	Service Level Agreements
Archival administration documentation	Interconnectivity reports
Communication strategies	Travel documentation
General correspondence	Used order books
Billing	Customers
Telecommunications Traffic	Cellular phone registration documents including RICA
Network	Tariffs'
Products	

11. PROCUREMENT

Correspondence	Proposal and Tender Documents
Reports and Supporting documentation	Project plans
Security Documentation	Risk Management Records
Business Information	Standard Terms and Conditions of Supply Of Goods and/or Services
Internal publications	Periodicals
Research files and articles	Contracts

12. REGULATORY

Permits and Licenses	Consents, Approvals and Authorisations
Applications in terms of SPLUMA	

13. SECRETARIAL RECORDS

Corporate structure documents	Statutory Returns
Memorandum of Incorporation	Shareholder agreements
Share registers	Share certificates
Minutes of Board meetings, Committees and Executive Committees	Resolutions passed
Board Charter and Committee Charters	Powers of Attorneys

14. TAXATION

Income Tax Returns	VAT Returns
PAYE Returns	UIF Returns

LIST OF APPLICABLE LEGISLATION:

1.	Basic Conditions of Employment Act 75 of 1997
2.	Broad-Based Black Economic Empowerment Act 53 of 2003
3.	Companies Act 71 of 2008
4.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
5.	Competition Act 89 of 1998
6.	Constitution of South Africa Act 108 of 1996
7.	Consumer Protection Act 68 of 2009
8.	Copyright Act 98 of 1987
9.	Currency and Exchanges Act 9 of 1933
10.	Customs and Excise Act 91 of 1964
11.	Electronic Communications and Transactions Act 2 of 2000
12.	Employment Equity Act 55 of 1998
13.	Environment Conservation Act 73 of 1989
14.	Financial Intelligence Centre Act 38 of 2001
15.	Formalities in Respect of Leases of Land Act 18 of 1969
16.	Health Act 63 of 1977
17.	Income Tax Act 58 of 1962
18.	Labour Relations Act 66 of 1995
19.	Long Term Insurance Act 52 of 1998
20.	National Building Regulations and Building Standards Act 103 of 1997
21.	National Credit Act 34 of 2005
22.	National Environmental Management Act 107 of 1998
23.	National Environmental Management: Air Quality Act 39 of 2004
24.	National Environmental Management: Waste Act 59 of 2008
25.	Occupational Health and Safety Act 85 of 1993
26.	Patents Act 57 of 1987
27.	Pension Funds Act 24 of 1956
28.	Prescription Act 18 of 1943
29.	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
30.	Protected Disclosures Act 26 of 2000

31.	Regulation of Interception of Communications and Provisions of Communication Related Information Act 70 of 2002
32.	Sales and Service Matters Act 25 of 1964
33.	Securities Services Act 36 of 2004
34.	Securities Transfer Act 25 of 2007
35.	Short-Term Insurance Act 53 of 1998
36.	Skills Development Act 97 of 1997
37.	Skills Development Levies Act 9 of 1999
38.	South African Reserve Bank Act 90 of 1989
39.	Trademarks Act 194 of 1993
40.	Transfer Duty Act 40 of 1949
41.	Unemployment Insurance Act 63 of 2001
42.	Unemployment Insurance Fund Contributions Act 4 of 2002
43.	Value-Added Tax Act 89 of 1991

ACCESS REQUEST FORM - RECORDS OF A PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

COMPLETION OF ACCESS REQUEST FORM: INSTRUCTIONS

Note:

1. The Access Request Form must be completed.
 2. Proof of identity is required to authenticate the identity of the Requester. Attach a copy of the Requester's identification document.
 3. Type or print an answer to every question in BLOCK LETTERS.
 4. If a question does not apply, state "N/A".
 5. If there is nothing to disclose in reply to a question, state "nil".
 6. When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.
-

1. The Information Officer:

Information Officer:	Paul Jansen Van Rensburg
Physical address:	Cecilia Square, 100 Cecilia Street, Paarl, 7646, South Africa
Postal address:	Postnet Suite 174, Private Bag X3036, Paarl, 7620
Telephone number:	+27 21 870 1302 or +27 83 212 2815
E-mail address:	pjansenvanrensburg@atlastowers.co.za

2. Particulars of the Requester (if natural person):

- 2.1 The particulars of the person who requests access to the record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number:	
Physical address:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	

Capacity in which the request is made, when made on behalf of another person (attach letter of authorisation in support of the request):

3. Particulars of the Requester (if a legal entity):

- 3.1 The particulars of the entity that requests access to the record must be given below.
- 3.2 The address and/or fax number and/or email address in the Republic to which the information is to be sent.
- 3.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Registration number:	
Physical address:	
Postal address:	
Telephone number:	
Fax number:	
Email address:	

4. Particulars of person on whose behalf request is made:

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

Full names and surname:	
Identity number:	
Physical address:	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

5. Particulars of the Record:

- 5.1 Provide full particulars of the Record to which access is requested, including the reference number if that is known to you, to enable the Record to be located.
- 5.2 If the provided space is inadequate, please continue on a separate folio and attach it to this form. The Requester must sign all the additional folios.

Description of Record or relevant part of the Record:

Reference number, if available:

Any further particulars of Record:

6. Fees:

- 6.1 A request for access to a Record, other than a Record containing personal information about yourself, will be processed only after a non-refundable request fee of R57.00 has been paid.
- 6.2 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 a record.
- 6.3 You will be notified of the amount required to be paid as the access fee.
- 6.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

7. Form of access to Record:

- 7.1 Compliance with your request in the specified form may depend on the form in which the Record is available.
- 7.2 Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.
- 7.3 The fee payable for access to the Record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an "X".

If the Record is in written or printed form	Copy of the Record	
	Inspection of the Record	
If the Record consists of visual images: (Photographs, slides, video recordings, computer-	View the images	
	Copy of the images	
	Transcription of the images	

generated images, sketches, etc.)		
If Record consists of recorded information that can be reproduced in sound:	Listen to the soundtrack (audio cassette)	
	Transcription of soundtrack (written or printed document)	
If Record is held on computer or in an electronic or machine-readable form:	Printed copy of Record	
	Printed copy of information derived from Record	
	In readable form* (flash drive / compact disc)	
*If you are requesting a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? <i>Postage is payable</i> – kindly provide address below if “yes”		
Yes		No

In which language would you prefer the Record? <i>*Note that if the Record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>	
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8. In the event of disability:

If you are prevented by a disability to read, view or listen to the record, state your disability and indicate in which form the Record is required.

Disability:

Form in which the Record is required:

9. Particulars of right to be exercised or protected:

9.1 If the provided space is inadequate, please continue on a separate folio and attach it to this form.

9.2 The Requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

Explain why the Record requested is required for the exercise or protection of the aforementioned right:

10. Notice of decision regarding Request for Access:

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your Request for Access to the Record?

Signed at _____ on this _____ day of _____ 20____

**SIGNATURE OF THE REQUESTER/ PERSON
ON WHOSE BEHALF THE REQUEST IS MADE**

FEE SCHEDULE AS PER THE REGULATIONS TO THE ACT

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The **fees for reproduction** referred to in Regulation 11(1) of the Act are as follows:

a)	For every photocopy of an A4-size page or part thereof	R1,10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50
d)	i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii) For a copy of visual images	R60,00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	ii) For a copy of an audio record	R30,00

3. The **request fee** payable by a Requester, other than a personal Requester, referred to in regulation 11(2) is R50,00.

4. The **access fees** payable by a Requester referred to in regulation 11(3) are as follows:

a)	For every photocopy of an A4-size page or part thereof	R1,10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50
d)	i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii) For a copy of visual images	R60,00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00

	ii)	For a copy of an audio record	R30,00
f)		To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation	R30,00

5. For purposes of section 54(2) of PAIA, the following applies:
 - 5.1. Should the time limit allocated, of six hours, be exceeded a deposit is payable; and
 - 5.2. One third of the access fee is payable as a deposit by the Requester.
6. The actual postage is payable when a copy of a record must be posted to a Requester.