

Nexus Internet Service Provider CC (Nexus ISP)

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

1 NEXUS ISP OVERVIEW

Nexus ISP provides Internet Services and Access to its customers, in both the corporate and home market.

Nexus ISP supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

2 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.nexus.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission ("SAHRC") at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

3 HOW TO REQUEST ACCESS TO RECORDS HELD BY NEXUS ISP

Requests for access to records held by Nexus ISP must be made on the request forms that are available from our website and office, from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations").

A request fee may be payable (the schedule of fees can be accessed from www.nexus.co.za/paia_fees.pdf). You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of Nexus ISP.

The standard form that must be used for the making of requests can be accessed from www.nexus.co.za/paia_request.pdf. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to Nexus ISP will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by Nexus ISP does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

4 CONTACT DETAILS

| | |
|---|---|
| Name of Private Body | Nexus Internet Service Provider CC |
| Designated Information Officer | <i>The member(s)</i> |
| Email address of Information Officer | <i>support@nexus.co.za</i> |
| Postal address | P.O. Box 19372, Sunward Park, 1470 |
| Phone number | 0861000477 |
| Fax number | 0866568032 |

5 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide described in Section 10 of the Act is due in August 2003. From that date it will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

6 VOLUNTARY DISCLOSURE

Nexus ISP has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Nexus ISP and its services is freely available on Nexus ISP's website. Certain other information relating to Nexus ISP is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

7 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Companies Act 61 of 1973

Income Tax Act 58 of 1962

Value Added Tax Act 89 of 1991
Labour Relations Act 66 of 1995
Basic Conditions of Employment Act 75 of 1997
Employment Equity Act 55 of 1998
Skills Development Levies Act 9 of 1999
Unemployment Insurance Act 30 of 1966
Electronic Communications and Transactions Act 25 of 2002.
Telecommunications Act 103 of 1996
Electronic Communications Act 36 of 2005
ICASA Act 13 of 2000
Film and Publications Act 65 of 1996
Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002

8 RECORDS HELD BY NEXUS ISP

Nexus ISP maintains records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

8.1 Internal records

The following are records pertaining to Nexus ISP's own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licences
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of Nexus ISP.

8.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of Nexus ISP and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Nexus ISP. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to Nexus ISP by their personnel;
- Any records a third party has provided to Nexus ISP about any of their personnel;

- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

8.3 **Customer records**

Please be aware that Nexus ISP is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to Nexus ISP or a third party acting for or on behalf of Nexus ISP;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to Nexus ISP about customers;
- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to Nexus ISP either directly or indirectly; and
- Records generated by or within Nexus ISP pertaining to customers, including transactional records.

8.4 **Technical records**

- **Please advise;**

8.5 **Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to Nexus ISP. The following records fall under this category:

- Personnel, customer or Nexus ISP records which are held by another party as opposed to being held by Nexus ISP; and
- Records held by Nexus ISP pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

8.6 **Other Records**

Further records are held including:-

- Information relating to Nexus ISP's own commercial activities; and
- Research carried out on behalf of a client by Nexus ISP or commissioned from a third party for a customer;
- Research information belonging to Nexus ISP, whether carried out itself or commissioned from a third party.