

TELKOM SA SOC LIMITED

PRIVATE BODY

POPIA AND PAIA MANUAL

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DEFINITIONS

- 1.1. **“Data Subject”** means the person to whom personal information relates;
- 1.2. **“Information Officer”** means:
 - a) in the case of a natural person, that natural person or any person duly authorized by that natural person;
 - b) in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership;
 - c) in the case of a juristic person -
 - i. the chief executive officer or equivalent officer of the juristic person or any person duly authorized by the officer; or
 - ii. the person who is acting as such or any person duly authorized by such acting person;
- 1.3. **“PAIA”** means the Promotion of Access to Information Act 2 of 2000 as amended;
- 1.4. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - d) the biometric information of the person;
 - e) the personal opinions, views or preferences of the person;
 - f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - g) the views or opinions of another individual about the person; and
 - h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 1.5. **“POPIA”** means the Protection of Personal Information Act 4 of 2013;
- 1.6. **“Private Body”** means:

- a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - b) a partnership which carries or has carried on any trade, business or profession;
 - c) former or existing juristic person, but excludes a public body;
- 1.7. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - b) dissemination by means of transmission, distribution or making available in any other form; or
 - c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 1.8. **“Public Body”** means:
- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
 - (b) any other functionary or institution when –
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation;
- 1.9. **“Record”** means any recorded information:
- a) regardless of form or medium;
 - b) in the possession or under the control of that public or private body, respectively; and
 - c) whether or not it was created by that public or private body, respectively;
- 1.10. **“Requester”** in relation to a private body, means:
- (a) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (b) a person acting on behalf of the person contemplated in subparagraph (i);
- 1.11. **“Telkom”** means a listed company incorporated in terms of the company laws of the Republic of South Africa under registration number 1991/006576/30.

INTRODUCTION

The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

The Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. Telkom SA SOC Limited (“Telkom”) is a private body under the definition of “private body” in section 1 of the Act. This document serves as Telkom’s manual with regard to information or records in relation to which Telkom is a private body.

COMPANY OVERVIEW

Telkom is a listed company incorporated in terms of the company laws of the Republic of South Africa under registration number 1991/006576/30. The shares of Telkom are held as to 39.8% by the government of South Africa (through the Minister of Communications).

Telkom has the following subsidiaries:

- (a) Swiftnet SOC Ltd (100%);
- (b) Trudon (Pty) Ltd (100%);
- (c) VS Gaming (Pty) Ltd (100%);
- (d) Rossal No 65 (Pty) Ltd (100%);
- (e) Openserve (Pty) Ltd (100%);
- (f) Business Connexion Group Limited (100%);
- (g) Gyro Properties (Pty) Ltd (100%); and
- (h) Gyro Group (Pty) Ltd (100%).

Telkom has the following divisions:

- (a) Telkom Consumer;

The main business of Telkom is:

- (a) to provide electronic communications services to the public and electronic communications network services in terms of the licences (the Electronic Communications Network Licence and the Electronic Communications Services Licence) issued to it in terms of the Electronic Communications Act, 36 of 2005;
- (b) information technology services to the public; and
- (c) services provided through the Data Center Operation.

PARTICULARS IN TERMS OF SECTION 51

Contact Details

- (a) The Information Officer of Telkom is:

Name: Mr. Serame Taukobong

Postal Address: Private Bag X881
PRETORIA, 0001

Physical Address: Telkom Park
61 Oak Avenue
Highveld Technopark, CENTURION, 0157

E-mail: paia@telkom.co.za

- (b) The Information Officer has duly authorized the persons below as Deputy Information Officers to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Deputy Information Officers: Mr. Lunga Siyo (Telkom Consumer)
Mr. Althon Beukes (Openserve)
Mr. Dirk Reyneke (Finance)
Ms. Melody Lekota (Human Resources)

Postal Address: Private Bag X881
PRETORIA, 0001

Physical Address: Telkom Park
61 Oak Avenue
Highveld Technopark, CENTURION, 0157

Phone Number: +27 12 311 1104
Fax Number: +27 86 490 0566
E-mail: paia@telkom.co.za
Website: www.telkom.co.za

The Section 10 Guide

The Information Regulator will, in terms of section 10 of the Act, compile a guide on the use of the Act. This guide is available from the Information Regulator at the following address:

P O Box 31533,
Braamfontein, Johannesburg, 2017 Tel: +27 10 023 5200
E-mail: enquiries@infoeregulator.org.za
Website: www.infoeregulator.org.za

Records Automatically Available

Records that are automatically available to the public are all records of Telkom lodged in terms of government requirements such as the Registrar of Deeds, all records in the booklets and pamphlets published by Telkom, and all records available on Telkom's website.

Records available in accordance with any other legislation

Telkom has records available in accordance with the following legislation:

- (a) The Occupational Health and Safety Act 29 of 1996;
- (b) The Value Added Tax Act 89 of 1991;
- (c) Income Tax Act 58 of 1962;
- (d) Companies Act 71 of 2008;
- (e) Electronic Communications Act, 36 of 2005;
- (f) Electronic Communications and Transactions Act 25 of 2002;
- (g) Consumer Protection Act 68 of 2008;
- (h) Competition Act 89 of 1998;
- (i) Basic Conditions of Employment Act 75 of 1997;
- (j) Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- (k) Employment Equity Act 55 of 1998;
- (l) Labour Relations Act 66 of 1995;
- (m) National Environmental Management Act 107 of 1998;
- (n) Skills Development Levies Act 55 of 1998;
- (o) Trade Marks Act 194 of 1993;
- (p) Unemployment Insurance Act 30 of 1966;
- (q) Customs & Excise Act 91 of 1964;
- (r) Skills Development Act 97 of 1998;
- (s) South African Qualifications Authority Act 58 of 1995;
- (t) Statistics Act 6 of 1999; and
- (u) JSE Stock Exchange South Africa Rules and Regulations and listings Requirements.

A description of the subjects of the records held by Telkom and the categories in which these subjects are classed

Telkom holds the following records and information which is categorized in the following categories:

- (a) Company secretarial Records
 - i. Memorandum of Incorporation;

- ii. Combined Company Register;
- iii. Minutes of meetings of the Board, its Committees and the Executive Committee;
- iv. Board Charter and Board Committee Charters;
- v. Statutory Returns;
- vi. Powers of Attorney;
- vii. Delegation of Authority; and
- viii. Share Certificates.

(b) Movable and Immovable Property

- i. Title Deeds;
- ii. Lease Agreements;
- iii. Hire Agreements;
- iv. Hire-purchase Agreements;
- v. Credit Sale Agreements; and
- vi. Ordinary and Conditional Sale Agreements.

(c) Intellectual Property

- i. Trade Marks;
- ii. Patents;
- iii. Copyrights;
- iv. Designs;
- v. Know-how; and
- vi. Licences.

(d) Insurance

- i. Policies; and
- ii. Insurance claim files.

(e) Taxation

- i. Income tax returns;
- ii. VAT returns;
- iii. PAYE returns;
- iv. RSC Levy returns; and
- v. UIF returns.

(f) Human Resources

- i. Policies and procedures;
- ii. Employee information;
- iii. Employment agreements;
- iv. Forms and applications;
- v. Standard letters and notices;
- vi. Payroll reports;
- vii. Payslips;

- viii. IRP5's;
- ix. Accident books and records;
- x. Workplace and Union agreements and records;
- xi. Employee benefits arrangements rules and records;
- xii. Safety, Health and Environmental records;
- xiii. Labour dispute records;
- xiv. Disciplinary Code;
- xv. Grievance Procedure; and
- xvi. Employee training.

(g) Finance

- i. Audited annual financial statements;
- ii. Management accounts;
- iii. Banking details and bank accounts;
- iv. Debtors/Creditors statements and invoices;
- v. General ledgers and subsidiary ledgers;
- vi. General ledger reconciliation; and
- vii. Policies and Procedures.

(h) Procurement

- i. Policies and Procedures/Manuals;
- ii. Reports and supporting documentation;
- iii. Tender documentation;
- iv. Standard Terms and Conditions for supply of services, products and software to Telkom;
- v. Contractor, client and supplier agreements and information; and
- vi. Security documents.

(i) Operations

- i. Billing;
- ii. Customers;
- iii. Telecommunications traffic;
- iv. Network;
- v. Tariffs;
- vi. Products;
- vii. Interconnect;
- viii. Inter-operator settlements;
- ix. Policies and Procedures; and
- x. Any agreements related to the operations of Telkom.

(j) Legal

- i. Contracts;
- ii. Commercial disputes; and
- iii. Litigation.

(k) Regulatory

- i. Permits, licences, consents, approvals, authorisations, applications, registrations and exemptions;
- ii. Submissions to ICASA;
- iii. Submissions to parliament; and
- iv. Disputes.

(l) Information Technology

- i. System documentation and manuals;
- ii. Project, disaster recovery and implementation plans;
- iii. Internet policy documentation; and
- iv. Computer policy documentation.

(m) Administration

- i. Intranet; and
- ii. Correspondence with internal and external parties.

PROCESSES AND PROCEDURES FOR REQUESTING ACCESS TO INFORMATION OR RECORDS

- (a) The Requester must use the prescribed PAIA Form 2 attached to this manual, to make the request for access to a record.
- (b) The request must be made to the Deputy Information Officer whose contact details are set out in paragraph 0(b) above. The completed PAIA Form 2 together with payment of a request fee (if applicable) and a deposit (if applicable) must be sent to the address, fax number or electronic mail address of such Deputy Information Officer set out in paragraph 0(b) above.
- (c) The Requester must provide sufficient particulars on the request form to enable the Deputy Information Officer to identify the record requested and the Requester. Where the request is made by a personal requester, being a Requester seeking access to records containing their own personal information, the Requester is required to provide an acceptable form of identification such as a certified copy of his / her identity document or any other form of identification acceptable to Telkom.
- (d) The Requester should also indicate which form of access is required. The Requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- (e) 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.
- (f) If a Request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of the contact persons of Telkom.
- (g) The Deputy Information Officer shall notify the requester notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

Prescribed Fees in respect of Private Bodies

- (a) The prescribed fees for requests to private bodies are available on the website of the Information Regulator at www.inforegulator.org.za and the website of the Department of Justice and Constitutional Development at www.justice.gov.za.
- (b) The banking details to be used are as follows:

Pay	Telkom SA Limited
Bank	ABSA Bank
Name	Telkom SA Internet Account
Current account	40-5348-4386
Branch	Pretoria
Branch Code *	632005
SWIFT code	ABSAZAJJ
Reference	PAIA

Decision to grant or decline request for access to records

Telkom shall, within 30 days of receipt of a request for access to records, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which Telkom must decide whether to grant or refuse a request, may be extended by a further period of no more than 30 days, if the information cannot reasonably be obtained within the original 30-day period. The Deputy Information Officer will notify the Requester in writing should an extension be necessary.

Grounds for Refusal of Access to Records

- (a) Telkom may refuse a request for information or record if that information or record relates to:
- i. mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
 - ii. mandatory protection of the commercial information of a third party, if the record contains:
 1. trade secrets of that third party;
 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 3. information disclosed in confidence by a third party to Telkom, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - iii. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - iv. mandatory protection of the safety of individuals and the protection of property;
 - v. mandatory protection of records which would be regarded as privileged in legal proceedings;
 - vi. the commercial activities of Telkom, which may include:
 1. trade secrets of that third party;
 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 3. information disclosed in confidence by a third party to Telkom, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 4. a computer program which is owned by Telkom and which is protected by copyright;
 - vii. the research information of Telkom or third party, if its disclosure would disclose the identity of Telkom, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- (b) Telkom shall refuse a request for information where such requests are frivolous or vexatious or involve an unreasonable diversion of Telkom resources.
 - (c) Any other right to refuse as allowed under PAIA.

Remedies available to the Requester on refusal of a request for access to records

- (a) Telkom does not have internal appeal procedures. Thus, the decision made by the Deputy Information Officer is final.
- (b) In the event that Telkom refuses to grant the Requester access to requested records, the Requester may lodge an application with a court, within 180 days of the decision, for Telkom to be ordered to give the Requester access to the requested records.
- (c) In the event that the court orders Telkom to grant the Requester access to the requested records, the Requester must pay the access fee for the reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.

PROCESSING OF PERSONAL INFORMATION

Purpose for Processing Personal Information

The purposes for which we process personal information includes, but is not limited to:

- (a) respond to your enquiry;
- (b) provide services or products to you;
- (c) provide access to restricted pages on our website;
- (d) comply with legal requirements or industry codes;
- (e) market or promote our services and products;
- (f) safety and security reasons; and
- (g) compile non-personal statistical information about browsing habits, click-patterns and access to the Telkom website.

Categories of Data Subjects

Telkom may receive, collect and hold personal information and records of the following categories of data subjects:

- (a) Employees/personnel, board members of Telkom;
- (b) Customers of Telkom;
- (c) Service providers to Telkom; and
- (d) Persons that may have had business.

Categories of recipients of personal information provided to Telkom

Parties who we disclose personal information to include, but are not limited to:

- (a) Affiliates and representatives of Telkom;
- (b) Service providers to Telkom;
- (c) Accredited debt collection agencies; and
- (d) regulators, courts, tribunals and law enforcement agencies.

Cross-border flow of information

- (a) Telkom need to transfer personal information to a country outside the Republic of South Africa for processing or storage and to that extent, Telkom will enter into appropriate confidentiality agreements with the relevant affiliate and / or subcontractor, to ensure that such transfer will be subject to an adequate level of protection as described in POPIA.
- (b) Telkom may transfer your information to other countries which do not have similar protection as provided for in POPIA, with the consent of Data Subject.

Objection to Processing of Personal Information

A Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed Form 1 attached to this manual, subject to exceptions contained in POPIA.

Request for correction or deletion of Personal Information

A Data Subject may request for their Personal Information to be corrected/deleted in the prescribed Form 2 attached to this manual, subject to the provisions of POPIA.

Availability of the Manual

This manual has been made available to the Information Regulator, in accordance with the Regulations promulgated in terms of the Act and is published on the Telkom website.

PAIA FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made <i>(when made on behalf of another person)</i>	
Postal Address	
Street Address	
E-mail Address	

Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made <i>(if applicable)</i>				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
PARTICULARS OF RECORD REQUESTED				
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>				
Description of record or relevant part of the record				
Reference number, if available				
Any further particulars of record				

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

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:	

FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <i>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.</i></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at _____ this _____ day of _____ 20__

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF [SECTION 11 \(3\)](#) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT [NO. 4 OF 2013](#))

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[\[Regulation 2\]](#)

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11 (1) (d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of data subject/designated person

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF [SECTION 24 \(1\)](#) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT [NO. 4 OF 2013](#))

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[\[Regulation 3\]](#)

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	

B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	
C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN</p> <p><i>(Please provide detailed reasons for the request)</i></p>
Signed at _____ this _____ day of _____ 20_____	<p>_____</p> <p><i>Signature of data subject/designated person</i></p>

