

**M C T TELECOMMUNICATIONS
(PTY) LTD
(Britelink MCT)
(A PRIVATE BODY)**

**MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT NO. 2 OF 2000 IN RESPECT
OF M C T TELECOMMUNICATIONS (PTY) LTD**

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1 INTRODUCTION

- 1.1 This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No.2 of 2000 ("**PAIA**").
- 1.2 The aim of the Manual is to assist potential Requesters to request access to information (documents, records and/or Personal Information) from MCT Telecommunications (Pty) Ltd, trading as Britelink MCT ("**MCT**") as contemplated under PAIA.
- 1.3 The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published and distributed in accordance with PAIA.
- 1.4 A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
- 1.5 The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

2 DEFINITIONS

The following words or expressions will bear the following meanings in this Manual –

- 2.1 "**Customer**" means a natural or juristic person who or which receives services and/or products from MCT;
- 2.2 "**Data Subject**" means the natural or juristic person to whom Personal Information relates;
- 2.3 "**Employee**" means any person who works for, or provides services to, or on behalf of MCT, and receives or is entitled to receive remuneration;
- 2.4 "**Information Officer**" means MCT's designated information officer described in paragraph 5.2 of this Manual;
- 2.5 "**Information Regulator**" shall bear the meaning ascribed thereto in POPIA;
- 2.6 "**Manual**" means this manual, together with all annexures thereto as amended and made available on the website of MCT and at the offices of MCT from time to time;
- 2.7 "**PAIA**" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
- 2.8 "**POPIA**" means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder;

- 2.9 "Personal Information" has the meaning ascribed thereto under POPIA;
- 2.10 "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 2.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.10.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
- 2.10.3 merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning;
- 2.11 "Requester" means any person or entity (including any Data Subject) requesting access to a record that is under the control of MCT; and
- 2.12 "Third-Party" means any independent contractor, agent, consultant, sub-contractor or other representative of MCT.

3 SCOPE OF THE MANUAL

This Manual has been prepared in respect of, and applies to, MCT.

4 HOW TO USE PAIA TO ACCESS INFORMATION

(Information provided in terms of section 51(1) of PAIA)

- 4.1 PAIA 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 in terms of PAIA, the public body must be acting in the public interest.
- 4.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures, and at the prescribed fees.
- 4.3 A guide on how to use PAIA is required to be compiled by the Information Regulator and when same is available, will be accessible (in various official languages) on the Information Regulator's website and on our website or you may request a copy of the guide from us by contacting our Information Officer. You may also direct any queries to:

The Information Regulator of South Africa

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

E-mail: inforeg@justice.gov.za / complaints.IR@justice.gov.za

Website: <https://www.justice.gov.za/inforeg/index.html>

Tel: 012 406 4818

Fax: 086 500 3351

5 OVERVIEW OF THE STRUCTURE AND FUNCTIONS OF MCT

- 5.1 MCT is incorporated and registered in the Republic of South Africa under registration number 1997/013760/07.
- 5.2 MCT provides the South African telecommunications industry with full turnkey fibre optic network solutions for civil route and site access builds.

6 CLIENT’S CONTACT DETAILS

(Information required under section 51(1)(a) of PAIA)

Name of Body:	M C T Telecommunications (Proprietary) Limited
Physical & Postal Addresses:	<p>Physical: 1st Fl, 23 Melrose Boulevard, Melrose Arch Precinct, Johannesburg, Gauteng</p> <p>Postal: Pnet Suite 713, Pvt Bag X9, Benmore, 2010, Gauteng</p>
Head of Body	<p>Name: Bari Shane Cowen T: +27 010 900 4264 E: bari@britelinkmct.co.za</p>
Information Officer	<p>Name: Lisl Whytock T: +27 010 900 4264 E: popiofficer@mct.co.za</p>

7 MCT’S PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

(Information required under section 51(1)(c) of PAIA)

7.1 Purpose of MCT's Processing of Personal Information

- 7.1.1 MCT will process Personal Information only in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

- 7.1.2 MCT will retain Personal Information only for as long as is necessary to accomplish MCT's legitimate business purposes or for as long as may be permitted or required by applicable law.
- 7.1.3 We use the Personal Information we collect to operate and manage our normal business operations, as well as for recruitment and employee payroll management. MCT will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes –
- 7.1.4 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting;
- 7.1.5 for purposes of onboarding suppliers as approved suppliers of MCT. For this purpose, MCT will also Process a supplier's Personal Information for purposes of performing credit checks, and this may include engaging third party credit vetting agencies;
- 7.1.6 for purposes of monitoring the use of MCT's electronic systems and online platforms by consumers. MCT will, from time to time, engage Third Party service providers (who will Process the Data Subject's Personal Information on behalf of MCT) to facilitate this;
- 7.1.7 for purposes of preventing, discovering and investigating non-compliance with this Policy and other MCT policies, and investigating fraud, or other related matters;
- 7.1.8 in connection with the execution of payment processing functions, including payment of MCT suppliers' invoices;
- 7.1.9 to provide a service to MCT customers in terms of relevant services agreements;
- 7.1.10 for employment-related purposes such as recruitment, administering payroll and carrying out background checks;
- 7.1.11 in connection with internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 7.1.12 in connection with external audit purposes. For this purpose, MCT engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;
- 7.1.13 in connection with project management related activities;

- 7.1.14 for purposes of civil contractor management;
 - 7.1.15 for purposes of fibre optic network infrastructure installation;
 - 7.1.16 for purposes of communicating with the dedicated installation liaison officers on site;
 - 7.1.17 for purposes of personal development of staff through training in line with job specification;
 - 7.1.18 in order to comply with any applicable law;
 - 7.1.19 to contact the Data Subject for direct marketing purposes subject to the provisions of section 10 below;
 - 7.1.20 in order to respond to customer communications in respect of MCT's products and services;
 - 7.1.21 for such other purposes to which the Data Subject may consent from time to time; and
 - 7.1.22 for such other purposes as authorised in terms of applicable law.
- 7.2 MCT will not use the Personal Information which we collect for any purposes other than those purposes specified in paragraph 7.1.3 above.

7.3 **Categories of Data Subjects and of the Personal Information relating thereto**

7.3.1 MCT collects Personal Information directly from the Data Subject and/or from Third Parties, and where MCT obtains Personal Information from Third Parties, MCT will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where MCT is permitted to do so in terms of the applicable laws.

7.3.2 Data Subjects in respect of which Personal Information is Processed include Customers of MCT.

7.3.3 Examples of Third Parties from whom Personal Information is collected include; our Customers when MCT handles Personal Information on their behalf; regulatory bodies; other companies providing services to MCT and where MCT makes use of publicly available sources of information.

7.4 **Recipients or categories of recipients to whom Personal Information may be supplied**

7.4.1 MCT may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law as per statutory authorities and/or the lawful order of any Court or Tribunal. We may disclose Personal Information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of MCT, our Customers, or others.

7.4.2 MCT will comply with POPIA before transferring Personal Information to a Third-Party who is a contractor of MCT. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, MCT will obtain assurances from the Third-Party that it will process Personal Information in a manner consistent with POPIA. Where MCT learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, MCT will take reasonable steps to prevent such use or disclosure.

7.4.3 We reserve the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of substantially all of our membership interests and/or assets or other corporate change, including to any prospective purchasers.

7.5 **Planned Transborder Flows of Personal Information**

In potentially carrying out any cross-border transfers, MCT shall adhere to the provisions of POPIA.

7.6 Information Security Measures

- 7.6.1 The security and confidentiality of Personal Information is important to MCT. We have implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.
- 7.6.2 We are committed to ensuring that our security measures which protect your Personal Information are continuously reviewed and updated where necessary.
- 7.6.3 In Processing any Personal Information, MCT shall comply with the following minimum technical and organisational security requirements –
- 7.6.3.1 **Physical Access** – Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job / task.
- 7.6.3.2 **Employee Training** – All Employees with access to Personal Information are kept up-to-date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects.
- 7.6.3.3 **Unique User Identification** – Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of MCT's password and confidentiality policy.
- 7.6.3.4 **Passwords** – MCT shall ensure that there are passwords required for any access to Personal Information in line with its password policy.
- 7.6.3.5 **Physical access and privileges** – MCT ensures that access to Personal Information is limited to Employees on a "need to know" basis, and MCT Employees are required to strictly utilise their unique user ID and applicable passwords to access same. The access to such Personal Information shall be subject to a two-step authorization/authentication process.
- 7.6.3.6 **Back-ups** – MCT ensures that all Personal Information is backed-up regularly, based on operational or legal requirements, and that back up testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.

7.6.3.7 **Malware protection** – MCT ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect MCT from the most recent malware infections.

7.6.3.8 **Network configuration** – MCT continuously monitors all designated networks, employs intrusion detection systems and/or intrusion prevention systems, and records any security incidents.

8 **INFORMATION HELD BY MCT IN TERMS OF PAIA**

(Information required under section 51(1)(e) of PAIA)

8.1 This section of the Manual sets out the categories and descriptions of records held by MCT. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

8.2 **Company records**

8.2.1 Company name documents

8.2.2 Company registration documents

8.2.3 Founding statement or Memorandum of Incorporation

8.2.4 Minutes of meetings

8.2.5 Certification, professional qualifications and registration

8.3 **Accounting records**

8.3.1 Details of accounting officer or auditors

8.3.2 Formal books of account and financial statements

8.3.3 Source documents

8.3.4 Customs, excise and logistics

8.3.5 Banking records

8.3.6 Management reports

8.3.7 Company tax returns

8.4 Human Resources records

- 8.4.1 Employee policies
- 8.4.2 Pension funds
- 8.4.3 Recruitment
- 8.4.4 Health and safety documentation
- 8.4.5 Workplace Skills Plans (WSP)
- 8.4.6 Annual Training report

8.5 Operations records

- 8.5.1 Specifications
- 8.5.2 Procedures
- 8.5.3 Plans
- 8.5.4 Asset register
- 8.5.5 Corporate social investment / charity / BEE work done.

9 INFORMATION KEPT BY MCT IN ACCORDANCE WITH OTHER LEGISLATION

(Information required under section 51(1)(b)(iii) of PAIA)

- 9.1 Records are kept in accordance with legislation applicable to MCT, which includes but is not limited to, the following:
 - 9.1.1 Basic Conditions of Employment Act 75 of 1997
 - 9.1.2 Companies Act 71 of 2008
 - 9.1.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993
 - 9.1.4 Competition Act 89 of 1998
 - 9.1.5 Constitution of the Republic of South Africa, 1996
 - 9.1.6 Consumer Protection Act 68 of 2008
 - 9.1.7 Electronic Communications and Transactions Act 25 of 2002
 - 9.1.8 Employment Equity Act 55 of 1998

- 9.1.9 Income Tax Act 58 of 1962 (Section 75)
 - 9.1.10 Insolvency Act 24 of 1936
 - 9.1.11 Labour Relations Act 66 of 1995
 - 9.1.12 National Credit Act 34 of 2005
 - 9.1.13 Occupational Health and Safety Act 85 of 1993
 - 9.1.14 Promotion of Access to Information Act 2 of 2000
 - 9.1.15 Pension Funds Act 24 of 1956
 - 9.1.16 Protection of Personal Information Act 4 of 2013
 - 9.1.17 Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
 - 9.1.18 Skills Development Act 97 of 1998
 - 9.1.19 Tax Administration Act 28 of 2011
 - 9.1.20 Tax on Retirement Funds Act 38 of 1996
 - 9.1.21 Trademarks Act 194 of 1993
 - 9.1.22 Value Added Tax Act 89 of 1991
- 9.2 Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of PAIA.

10 REQUEST PROCEDURES

- 10.1 Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of PAIA.
- 10.2 **Form of request**
 - 10.2.1 The Requester must use the prescribed form to make the request for access to a record, which form is attached hereto as Annexure "A". This must be made to the Information Officer at the address or electronic mail address of the body concerned (*see s 53(1) of PAIA*).

10.2.2 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 specify a postal address, fax number in the Republic or email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed (*see s 53(2)(a) and (b) and (c) and (e) of PAIA*).

10.2.3 The Requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (*see s 53(2)(d) of PAIA*).

10.2.4 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 head of the private body (*See s 53(2)(f) of PAIA*).

10.3 Fees

10.3.1 Request fees:

10.3.1.1 The Information Officer must by notice require the Requester to pay the prescribed request fee (if any) before further processing the request (*see s 54(1) of PAIA*).

10.3.1.2 The fee that the Requester must pay to a private body is [R50]. The Requester may lodge an application to the court against the tender or payment of the request fee (*See section 54(3)(b) of PAIA*).

10.3.2 Access fees and fees for reproduction:

10.3.2.1 If access to a record/s is granted by MCT, the Requester may be required to pay an access fee for the search for and preparation of the records and for reproduction of the record/s.

10.3.2.2 The access fees which apply are set out below. MCT can refuse access until such access fees have been paid.

Reproduction		Fee
1	The fee for a copy of the manual as contemplated in regulation 9 (2) (c) for every photocopy of an A4-size page or part thereof.	R1.10
2	The fees for reproduction referred to in regulation 11 (1) 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 compact disc (i) Stiffy disk (ii) compact disk	R7.50 R70.00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R40.00 R60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	R20.00 R30.00
(f)	To search for and prepare the record for disclosure or part thereof for each hour or part thereof reasonably required for such search and preparation	R30.00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2)	R50.00
(4)	For purposes of section 54 (2) of PAIA, the following applies:	
(a)	Six hours of searching to be exceeded before a deposit is payable	
(b)	One third of the access fee is payable as a deposit by the requester	
(5)	The actual postage fee is payable when a copy of a record must be posted to a requester	

10.4 Decision on request

10.4.1 After the Information Officer has made a decision on the request, the Requester will be notified using the required form.

10.4.2 If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (see s 54(6) of PAIA).

11 TIMELINES FOR CONSIDERATION OF A REQUEST

- 11.1 Requests for access by a Requestor will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary. Such considerations include –
- 11.1.1 where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored);
 - 11.1.2 where the request requires a search for records in, or collection of such records from, an office of MCT located far away from Johannesburg;
 - 11.1.3 consultation among divisions of MCT or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original 30-day period;
 - 11.1.4 more than one of the circumstances contemplated in paragraphs 11.1.1, 11.1.2 and 11.1.3, exist in respect of the request making compliance with the original period not reasonably possible; or
 - 11.1.5 the Requester consents in writing to such extension.
- 11.2 If an extension is necessary, you will be notified with reasons for the extension. If the Information Officer fails to communicate a decision on a request, such a request is then deemed to have been refused.

12 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 12.1 Requests for access by a Requestor **must** be refused by the Information Officer if –
- 12.1.1 the disclosure would involve the unreasonable disclosure of personal information about a third party (natural person), including a deceased individual (see section 63 of PAIA);
 - 12.1.2 the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition (see section 64 of PAIA);

- 12.1.3 the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (see section 65 of PAIA);
- 12.1.4 the disclosure could reasonably be expected to endanger the life or physical safety of an individual (see section 66(a) of PAIA);
- 12.1.5 the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (see section 67 of PAIA); or
- 12.1.6 the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage (see section 69 of PAIA).
- 12.2 Requests for access by a Requestor may be refused by the Information Officer if –
- 12.2.1 the disclosure would be likely to prejudice or impair: (i) the security of: (aa) a building, structure or system, including, but not limited to, a computer or communication system; (bb) a means of transport; or (cc) any other property; or (ii) methods, systems, plans or procedures for the protection of: (aa) an individual in accordance with a witness protection scheme; (bb) the safety of the public, or any part of the public; or (cc) the security of property contemplated in subparagraph (i) (aa), (bb) or (cc) (see section 66(b));
- 12.2.2 the record:
- (a) contains trade secrets of MCT;
 - (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of MCT;
 - (c) contains information, the disclosure of which could reasonably be expected:
 - (i) to put MCT at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice MCT in commercial competition; or
 - (d) is a computer program, as defined in section 1(1) of the Copyright Act No. 98 of 1978, owned by MCT, except insofar as it is required to give access to a record to which access is granted in terms of PAIA; or
- 12.2.3 the record contains information about research being or to be carried out by or on behalf of MCT, the disclosure of which would be likely to expose: (a) MCT; (b) a person that is or will be carrying out the research on behalf of MCT; or (c) the subject matter of the research, to serious disadvantage.

13 REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

- 13.1 MCT does not have any internal appeal procedures that may be followed once a request to access information has been refused.
- 13.2 The decision of the Information Officer or deputy information officer is final.
- 13.3 If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

14 OTHER INFORMATION HELD BY MCT AS PRESCRIBED

(Other information as may be prescribed under section 51(1)(a)(ii))

The Minister of Justice and Constitutional Development has to date not made any regulations regarding disclosure of other information.

15 AVAILABILITY OF THE MANUAL

(Availability of Manual under section 51(3))

- 15.1 This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of MCT. Copies of the Manual may be made, subject to the prescribed fees.
- 15.2 Copies may also be requested from the Information Regulator.
- 15.3 The Manual is also posted on MCT's website.

16 PRESCRIBED FORMS AND FEE STRUCTURE

(Prescribed forms and fee structure in respect of private bodies)

The forms and fee structure prescribed under PAIA are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development (www.doj.gov.za), under the 'regulations' section as well as the Information Regulator's website (www.justice.gov.za/inforeg/legal.html).

ANNEXURE "A"

The following forms are available on our website (<https://britelinkmct.co.za/>)

OR

On request by emailing: **POPIOfficer@mct.co.za**

PAIA-Form02-Reg7_REQUEST FOR ACCESS TO RECORD

PAIA-Form03-OUTCOME OF REQUEST AND FEES PAYABLE

PAIA-Form04-Reg9_INTERNAL APPEAL