

PAIA Information Manual

of Aerofone Communications Proprietary Limited t/a Mobiz

in terms of Section 51 of the Promotion of Access to Information Act, 2000

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Table of Contents

1. INTRODUCTION.....	3
2. COMPANY INFORMATION	3
3. RECORDS HELD BY MOBIZ	4
4. FORM OF REQUEST	5
5. PRESCRIBED FEES	5
6. CONSIDERATION OF YOUR REQUEST	6
7. APPLICABLE LEGISLATION TO MOBIZ	7
ANNEXURE A: PRESCRIBED FORM C	8

1. Introduction

- 1.1. The Promotion of Access to Information Act 2 of 2000 ("**the Act**") grants individuals access to records of a private body, if the record is required for the exercise or protection of any reasonable right. If a public body lodges a request, the public body must be acting in the public interest.
- 1.2. Requests in terms of the Act are made in accordance with the prescribed procedures and at the rates outlined below. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.
- 1.3. An individual who wishes to request a record can read the information and procedure guide (in terms of section 10 of the Act), compiled and made available by the South African Human Rights Commission ("**the Commission**").
- 1.4. The guide can be found on www.sahrc.org.za (last accessed on Nov 2020 at <https://www.sahrc.org.za/index.php/understanding-paia>) and if you have any queries, please contact the Commission using the following contact details:

The South African Human Rights Commission: PAIA Unit
Research & Documentation Department
Postal Address: Private Bag 2700, Houghton, 2041
Telephone: + 27 21 426 2277
Fax: +27 21 426 2875
Email: paia@sahrc.org.za

2. Company Information

- 2.1. Aerofone Communications t/a Mobiz ("**Mobiz**" or "**we**" or "**our**") is a SaaS private company that provides a software platform for users to create hyper-personalised messaging on micro-sites which are delivered via SMS.
- 2.2. Mobiz's and Managing Director details are as follows:

Registered Company Name:	Aerofone Communications Proprietary Limited t/a Mobiz
Registration Number:	2005/022324/07
Managing Director:	Greg Chen
Postal Address:	PO Box 539, Century City, 7446
Physical Address:	Unit 2H Matrix Building, Century City, 7441, Cape Town
Telephone Number:	+27 21 510 7911
Email:	info@mobiz.co
Website:	https://mobiz.co
- 2.3. All requests for access to records in terms of the Act must be in writing and addressed to Mobiz's Information Officer, Greg Chen.

3. Records held by Mobiz

- 3.1. The categories and types of records that Mobiz holds is found below. We treat each request on a case-by-case basis, and your access to such records may be subject to grounds of refusal, as explained in the Manual.
- 3.2. Internal Records
 - Companies Act records
 - Financial, income tax, and operational records
 - Product usage and database records
 - Marketing and sales department
 - Information technology records
 - Internal correspondence
 - Internal policies & procedures
 - Employee and personnel records
 - Customer database
- 3.3. Third-Party Records
 - Records and agreements relating to independent contractors, service providers and/or suppliers
 - Employee, customer or private body records which are held by another party, such as accountants, medical aid providers and SARS
 - Records held by Mobiz pertaining to other parties, including without limitation, correspondence, contractual records, records provided by the other party, and records third parties have provided about other third parties
- 3.4. Customer Related Records
 - Records provided by a customer or third party
 - Records provided by a customer to a third party acting for and on behalf of Mobiz
 - Records generated by or within Mobiz relating to its customers
- 3.5. Mobiz may possess records pertaining to other parties, including but not limited to contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Mobiz.
- 3.6. Records that are deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to the standard requirements set out below, before Mobiz will consider access to such records.

4. Form of Request

- 4.1. Should you wish to request records held by Mobiz, the following requirements for access must be met, and sent via e-mail or by post to Mobiz:
 - 4.1.1. properly complete the prescribed form found on Annexure A below;
 - 4.1.2. describe the record(s) sought;
 - 4.1.3. identify the person requesting the record;
 - 4.1.4. outline the form of access required;
 - 4.1.5. provide the postal address of the requester;
 - 4.1.6. the requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right; and
 - 4.1.7. **please note** that if a request is made on behalf of another person, the person requesting the record must submit, in addition to the above, proof of the capacity in which they are making the request, to the satisfaction of Mobiz.

5. Prescribed Fees

- 5.1. The Act prescribes the fees payable for requests made in terms of the Act.
- 5.2. There is no prescribed fee if you are requesting a personal request that contains personal information about yourself. Subject to the Act and applicable law, we can provide the requested information, or give access to a record with regard to your own personal information. The prescribed fee for reproduction of the information requested will be charged by Mobiz.
- 5.3. If you are not requesting a personal record, there is a prescribed non-refundable fee of R50.00 (fifty Rand), which is payable before submitting your request. Proof of payment of this fee must accompany your request to Mobiz.
- 5.4. If the preparation of the record requested requires more than six hours, a deposit shall be paid of not more than one third of the access fee which would be payable if the request were granted.
- 5.5. VAT is payable on all fees by institutions which are registered VAT vendors.
- 5.6. You further have the right to lodge an application with a court against the tender or payment of the request fee and/or deposit.
- 5.7. The fee structure is available on the Commission's website at www.sahrc.org.za.
- 5.8. Should your request be granted, you will be notified if there are any additional costs payable for accessing the records. Costs for accessing the record may include costs of reproduction of the record as well as time needed to locate and prepare the record.
- 5.9. The fees for accessing records of a private body are:

Form of Access	Access Fee
Copy per A4 page	R1,10
Printing per A4 page	R0,75
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hours or part thereof, excluding the first hour, reasonably required for the search and preparation
Where a copy of a record needs to be posted, the actual postal fee is payable	

6. Consideration of your Request

- 6.1. Subject to the provisions in the Act in respect of extensions, we undertake to process a request for a record within 30 (thirty) calendar days, unless the requester has stated special reasons which would satisfy Mobiz that the above time period cannot be complied with.
- 6.2. The requester will be notified in writing whether the request has been granted or denied and Mobiz's decision is final. If you require the reasons for the decision in any other manner, you must state the manner and the particulars you require.
- 6.3. The main grounds Mobiz may refuse a request for information relates to the mandatory protection of privacy or commercial information of Mobiz and/or a third party. In addition, other mandatory protections such as the protection of confidential information whether through the terms of an agreement or as part of legal proceedings.
- 6.4. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources will be refused.
- 6.5. If a requested record cannot be found or if the record does not exist, Mobiz's Information Officer shall, by way of an affidavit, notify the requester that it is not possible to give access to the requested record. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the

purposes of the Act. If the record is found at a later date, Mobiz will give access to the requester in accordance with this Manual.

7. Applicable Legislation to Mobiz

7.1. Where applicable, Mobiz retains records and documents in terms of the pieces of legislation below:

- Basic Conditions of Employment Act 57 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 1973
- Compensation for Occupational Injuries & Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Currencies and Exchanges Act 9 of 1933
- Customs & Excise Act 91 of 1964
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 58 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

Annexure A: Prescribed Form C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Act)

A. Particulars of private body

The Head:

B. Particulars of the person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
(b) *Furnish an address in the Republic to which the information must be sent.*
(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

*Please note that this section must be completed **only** if a request for information is made on behalf of another person.*

Full names and surname:

Identity number:

D. Particulars of record

(a) 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.
(b) 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.**

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) 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.
(d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, please state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an "X".

NOTES:

(a) Your indication as to the required form of access depends on the form in which the record is currently available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If the record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy of the images*		transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound -					
	listen to the soundtrack		transcription of soundtrack* (written or printed document)		
4. If the record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.				YES	NO

G. Particulars of right to be exercised or protected

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.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. 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..... this..... day of20...

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