

## **Access to Information Manual**

**of Aerofone Communications Proprietary Limited t/a Mobiz**

**in terms of Section 51 of the Promotion of Access to Information Act, No 2 of  
2000 and as amended by the Protection of Personal Information Act, No 4 of  
2013**

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## 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. The purpose of the Protection of Personal Information Act 4 of 2013 ("**POPIA**") is to give effect to the constitutional right to privacy by safeguarding personal information processed by others, regulate the manner in which personal information may be processed and to provide data subjects with rights and remedies to protect their personal information.
- 1.3. Requests in terms of the Act and POPIA 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.
- 1.4. 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**").
- 1.5. The guide can be found on [www.sahrc.org.za](http://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](mailto: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 landing pages which are delivered to end users via SMS.

- 2.2. Mobiz's details are as follows:

Registered Company Name:	Aerofone Communications Proprietary Limited t/a Mobiz
Registration Number:	2005/022324/07
Managing Director:	Greg Chen
Information Officer:	Clark Lin, CTO
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](mailto: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.

### 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, tax, and operational records
- Information technology, product usage and database records
- Marketing and sales department records
- Internal correspondence, 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, POPIA 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 may 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. Mobiz is a registered VAT vendor and therefore, VAT is payable on all fees.
- 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](http://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 records may include costs of reproduction of the records as well as time needed to locate and prepare the records.

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 ground 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 2008 (as amended)
- Compensation for Occupational Injuries & Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Currency and Exchanges Act 9 of 1933 (and Exchange Control Regulations)
- Customs and 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
- Immigration Act No 13 of 2002
- 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

If the Requester believes that a right of access to a record exists in terms of legislation other than that as listed above, kindly indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request.

## 8. Personal Information Processed by Mobiz

- 8.1. Mobiz processes Personal Information which belongs to or is held by a Data Subject in the following broad categories, which includes:
  - 8.1.1. users of the Mobiz website, its web and mobile applications, social media portals or platforms whether in order to learn more about Mobiz, to do business with Mobiz or while being provided services;
  - 8.1.2. directors, employees, interns and job applicants;
  - 8.1.3. customer and end-users of Mobiz;
  - 8.1.4. contractors, vendors, suppliers, operators, such as marketing or PR agencies, advertising, law firms and other service providers;
  - 8.1.5. regulators and public bodies that Mobiz engages with in order to comply with its legal obligations;
  - 8.1.6. persons who interact with Mobiz and those who sign into the Mobiz office.

## 9. Reasons for Processing Personal Information

- 9.1. Mobiz processes Personal Information for the following purposes:
  - 9.1.1. to pursue and manage its legitimate business interests, objectives and strategies;
  - 9.1.2. to comply with its lawful and contractual obligations, such performing contracted services between Mobiz and a Data Subject, including on customer support lines;
  - 9.1.3. for the purposes of providing, maintaining and improving the Mobiz services, and to monitor and analyse various usage and activity trends pertaining thereto;
  - 9.1.4. as required by legislation, regulations and statutory obligations;
  - 9.1.5. for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
  - 9.1.6. for the purposes of performing internal operations, including management of employees, the performance of HR functions, attending to financial matters including budgeting, planning, invoicing, facilitating and making payments for services rendered.
- 9.2. Storage, Retention and Destruction of Information
  - 9.2.1. Mobiz will ensure that the Data Subject's Personal Information is stored securely, and implement appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information, including -

- 9.2.1.1. identifying all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;
  - 9.2.1.2. establishing and maintaining appropriate safeguards against the risks identified;
  - 9.2.1.3. regularly verifying that the safeguards are effectively implemented, such as by performing regular data security assessments and monitoring; and
  - 9.2.1.4. ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 9.2.2. Once the purpose for which a Data Subject's Personal Information is held comes to an end, Mobiz will securely archive such information for the required prescribed period, or as per its data retention policy from time to time. Thereafter, Mobiz will ensure that such Personal Information is permanently destroyed.

## 10. Access by Others and Cross Border Transfer

- 10.1. Personal Information may be shared with third parties by Mobiz from time to time, where necessary. Mobiz will only share such information where its data protection and confidentiality is governed by an agreement concluded between Mobiz and the party to whom the Personal Information is disclosed.
- 10.2. In the event Personal Information and related data is transferred to another country outside of the Republic of South Africa, such data will only be transferred to countries which have similar or more robust data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by POPIA.
- 10.3. Mobiz uses cloud services to store and process data and Personal Information which is not in the Republic of South Africa.

## 11. Request procedure for a Data Subject

- 11.1. In order for a Data Subject to request:
  - 11.1.1. all the information Mobiz, as a Responsible Party, holds about the Data Subject;
  - 11.1.2. the identity of third parties who have or have had access to Personal Information;
  - 11.1.3. object to the processing of Personal Information by a Responsible Party; or
  - 11.1.4. the correction or deletion of Personal Information.

The requester can use the Form of Request as described in section 4.

- 11.2. Thereafter, and free of charge, the Responsible Party will confirm the data it holds on the Data Subject. The Information Officer will handle the request in accordance with PAIA.

## 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

copy in computer readable form\*

			derived from the record*		(compact disc)
<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p><b>A postal fee is payable.</b></p>				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 of .....20...

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

**Signed and approved by and on behalf of Aerofone Communications (Pty) Ltd t/a Mobiz on  
this 14 day of July 2021.**

DocuSigned by:  
  
287A704C3B93437

**Greg Chen**

**Director and CEO**