

PROMOTION OF ACCESS TO INFORMATION ACT  
SECTION 51 MANUAL

DARK FIBRE AFRICA (PTY) LTD

**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 exercising 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 DARK FIBRE AFRICA (PTY) LTD OVERVIEW**

DARK FIBRE AFRICA (PTY) LTD provides

- Installation of a Fibre Optic Duct Infrastructure
- Sale and Leasing of Duct and Fibre Optic Infrastructure
- Maintenance of Duct and Fibre Optic Infrastructure

DARK FIBRE AFRICA (PTY) LTD 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.dfafrica.co.za](http://www.dfafrica.co.za)) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from 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 DARK FIBRE AFRICA (PTY) LTD**

Requests for access to records held by DARK FIBRE AFRICA (PTY) LTD must be made on the request forms that are available from our website and office, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations"). 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 DARK FIBRE AFRICA (PTY) LTD.

**The standard form that must be used for the making of requests is attached as annexure 1.**

Kindly note that all requests to DARK FIBRE AFRICA (PTY) LTD 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 DARK FIBRE AFRICA (PTY) LTD 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:	DARK FIBRE AFRICA (PTY) LTD
Company Registration Number:	2007 / 013968 / 07
VAT Number:	41402 43116
Designated Information Officer:	Wilhelm Gustav Smit

Email address of Information Officer: [gustav.smit@dfafrica.co.za](mailto:gustav.smit@dfafrica.co.za)

Postal address: PO Box X116  
Centurion  
0046

Street address: 59 Regency Drive  
Route 21 Corporate Park  
Nellmapius Road  
Irene  
PRETORIA  
SOUTH AFRICA

Phone number: 27 (12) 443-1000

Fax number 27 (12) 443-1003

## **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 December 2011. 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](http://www.sahrc.org.za)

Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **6 VOLUNTARY DISCLOSURE**

DARK FIBRE AFRICA (PTY) LTD has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to DARK FIBRE AFRICA (PTY) LTD and its services is freely available on DARK FIBRE AFRICA (PTY) LTD's website. Certain other information relating to DARK FIBRE AFRICA (PTY) LTD 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

## **8 RECORDS HELD BY DARK FIBRE AFRICA (PTY) LTD**

DARK FIBRE AFRICA (PTY) LTD 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 DARK FIBRE AFRICA (PTY) LTD's own affairs and those of its divisions and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Banking Records;
- Logos
- Internet Website
- Internal policies and procedures;
- Records held by officials of DARK FIBRE AFRICA (PTY) LTD.

### **8.2 Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of DARK FIBRE AFRICA (PTY) LTD and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of DARK FIBRE AFRICA (PTY) LTD. This includes, without limitation, members, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to DARK FIBRE AFRICA (PTY) LTD by their personnel;
- Any records a third party has provided to DARK FIBRE AFRICA (PTY) LTD 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.
- Training schedules and material.

### **8.3 Customer records**

Please be aware that DARK FIBRE AFRICA (PTY) LTD 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 DARK FIBRE AFRICA (PTY) LTD or a third party acting for or on behalf of DARK FIBRE AFRICA (PTY) LTD;
- 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 DARK FIBRE AFRICA (PTY) LTD 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 DARK FIBRE AFRICA (PTY) LTD either directly or indirectly; and
- Records generated by or within DARK FIBRE AFRICA (PTY) LTD pertaining to customers, including transactional records.

### **8.4 Technical records**

- Procedures;
- Specifications;
- Standards;
- Forms;
- Guidelines;
- Work Instruction Sheets;
- Memos;

### **8.5 Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures and service providers. In addition, such other parties may possess records, which can be said to belong to DARK FIBRE AFRICA (PTY) LTD. The following records fall under this category:

- Personnel, customer or DARK FIBRE AFRICA (PTY) LTD records which are held by another party as opposed to being held by DARK FIBRE AFRICA (PTY) LTD; and
- Records held by DARK FIBRE AFRICA (PTY) LTD 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 DARK FIBRE AFRICA (PTY) LTD's own commercial activities;
- Research carried out on behalf of a client by DARK FIBRE AFRICA (PTY) LTD or commissioned from a third party for a customer;
- Research information belonging to DARK FIBRE AFRICA (PTY) LTD, whether carried out itself or commissioned from a third party;
- Contracts and Agreements.

**ANNEXURE 1 – FORM B**

PREScribed FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)  
(Regulation 4)

A. Particulars of Private Body  
The Information Officer: in respect of \_\_\_\_\_  
\_\_\_\_\_  
*(specify company, if applicable)*

B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_  
Identity Number: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
Capacity in which request is made, when made on behalf of another person:  
\_\_\_\_\_

C. Particulars of person of whose behalf request is made:  
*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 the Record or relevant part of the record:  
\_\_\_\_\_  
\_\_\_\_\_

2. Reference Number, if available: \_\_\_\_\_

3. Any further particulars of the 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 of the request fee.  
(c) The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee (if any):

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F. Form of Access to the 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, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

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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 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 to 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:

(This includes 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 (audio cassette)  
 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 \* (3,5" magnetic or optical 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 requested record is required for the exercising 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 thereof 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