

# PROMOTION OF ACCESS TO INFORMATION

ACT 2 OF 2000

## SECTION 51 MANUAL

for

**BROADBAND SOLUTIONS TECHNOLOGY (PTY) LTD**

(Reg. No. 2003/004721/07)

AND

**MIMOTECH (PTY) LTD**

(Reg. No. 2010/015891/07)

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## 1. INFORMATION REQUIRED UNDER SECTION 51 (1) (A) OF THE ACT

### Addresses

Street: Tellumat Business Park  
64 White Rd  
Retreat  
Cape Town

Postal: P. O. Box 31072  
Tokai  
7966  
Cape Town

### Contact Details

Tel: (021) 710 2463

Fax: (021) 710 2569

Email: [enquiries@b-s-t.co.za](mailto:enquiries@b-s-t.co.za)

### Contact Persons

Mr. Geoff Carey, Managing Director (BST)

Mr. Buks Fouche, CEO (MIMOftech)

## 2. HUMAN RIGHTS COMMISSION – GUIDE ON USE OF ACT

In terms of section 10 of the Promotion of Access to Information Act 2 of 2000 ("Act"), the Human Rights Commission has compiled a guide on the use of this Act. It is available from the Human Rights Commission at any of the following offices:

<b>CENTRE</b>	<b>Address</b>	<b>Tel:</b>	<b>Fax:</b>
<b>JOHANNESBURG</b>	Private Bag 2700, Houghton, 2041	011 484 8300	011 484 1360
<b>BLOEMFONTEIN</b>	PO Box 4245, Bloemfontein, 9300	051 447 1130	051 447 1128
<b>PORT ELIZABETH</b>	PO Box 1854, Port Elizabeth, 6001	041 582 2611	041 582 2204
<b>POLOKWANE</b>	PO Box 55796, Polokwane, 0700	015 291 3500	015 291 3505
<b>DURBAN</b>	PO Box 1456, Durban, 4000	031 304 7323/4/5	031 304 7323/4/5
<b>CAPE TOWN</b>	PO BOX 3563, Cape Town, 8000	021 426 2277	021 426 2875

## COMPANY RECORDS

### CLASSIFICATION KEY

<b>Classification Number</b>	<b>Classification</b>
<b>1</b>	Public Access Document
<b>2</b>	May be Disclosed -Unless it would breach a duty of confidence owed to a third party
<b>3</b>	May be Disclosed -Subject to copyright
<b>4</b>	Limited Disclosure -Personal Information that is personal to the requester of that information
<b>5</b>	May not be Disclosed -Unreasonable disclosure of personal information
<b>6</b>	May not be Disclosed -Would breach a duty of confidence owed to a third party
<b>7</b>	May not be Disclosed -Likely to harm the commercial or financial interests of a third party
<b>8</b>	May not be Disclosed -Likely to compromise the safety of individuals or protection of property
<b>9</b>	May not be Disclosed -Legally privileged document
<b>10</b>	May not be Disclosed -Likely to harm the commercial or financial interests of the Company
<b>11</b>	May not be Disclosed -Likely to harm the Company or a third party in contract or other negotiations
<b>12</b>	May not be Disclosed -Likely to prejudice research and development information of the Company or a third party

## RECORDS

### GENERAL

No.	Record Description	Record Format	Indexing Method	Maintained By	Storage Place	Classification	Retention Period
1	General Contract documentation (distribution, agency, confidentiality agreements, license agreements, etc.)	Hardcopy	Database List	Financial Manager	Filing Cabinet	6, 7, 9, 10	Indefinite
2	Records of Tenders awarded	Hardcopy	Database List	Financial Manager	Filing Cabinet	2	Indefinite
3	Records of Tender submissions not yet awarded	Hardcopy / Software	Date	Managing Director	Filing Cabinet	11	If awarded see no. 2 above. If not awarded disposed of.
4	Standard conditions of sale	Hardcopy / Software	N/A	Financial Manager	Filing Cabinet and server	1	Amended as required from time to time
5	Credit Agreements	Hardcopy	Date	Financial Manager	Filing Cabinet	7, 10	3 years from termination of agreement
6	Patents and Trade Marks	Hardcopy	Date	Managing Director	Filing Cabinet	1	Life of patent, and trademark
7	Statutory Public Access Records	Hardcopy	Date	Financial Manager	Filing Cabinet	1	Indefinite
8	Company Minutes	Hardcopy	Date	External Auditor	Minute Book	10	Indefinite
9	Staff Records	Hardcopy / Network Server	Employees Number	HR	HR Department Filing Cabinet/ Network Server	4	5 Years
10	Employment contracts / files	Hardcopy	Employee number	Financial Manager	Filing Cabinet	4	3 years after employment ceases.
11	Payroll reports	Hardcopy / Softcopy	By month	Financial Manager	Filing Cabinet/ Payroll server	4	5 Years

12	Payslips	Hardcopy / Softcopy	Alphabetical	Financial Manager	Filing Cabinet/ Payroll server	4	5 Years
13	IRP5's	Hardcopy	By year then by alphabetical	Financial Manager	Filing Cabinet	4	5 Years
14	Reconciliations	Hardcopy	By month	Financial Manager	Filing Cabinet	10	5 Years
15	Accident books and records	Hardcopy	By year alphabetically	Financial Manager	Filing Cabinet	4	3 Years
16	Income tax returns	Hardcopy	By year	External auditor (Financial Manager copy)	Filing Cabinet	10	5 Years
17	VAT Returns	Hardcopy / Softcopy	By month	Financial Manager	Filing cabinet	10	5 Years
18	PAYE returns	Hardcopy / Software	By month	Financial Manager	Filing cabinet	10	5 Years
19	RSC Levy returns	Hardcopy	By month	Financial Manager	Filing cabinet	10	5 Years
20	UIF returns	Hardcopy	By month	Financial Manager	Filing cabinet	10	5 Years
21	Audited Financial Statements	Hardcopy	By year	Financial Manager	Filing cabinet	10	15 Years
22	Management accounts	Hardcopy / Softcopy	By month	Financial Manager	Filing cabinet	10	5 Years
23	General ledgers and subsidiary ledgers (including debtors, creditors, Stock and Fixed Assets)	Softcopy	By year then by month	External Auditor (Financial Manager copy)	Pastel Archive	10	15
24	Creditors invoices	Hardcopy	By month	Financial Manager	Filing cabinet	10	5 Years

25	Debtors invoices	Hardcopy / softcopy	Invoice number order	Financial Manager	Filing cabinet	10	5 Years
26	Stock sheets	Softcopy	By part number	Financial Manager	File Backup	10	5 years
27	Journal entries	Hardcopy / Softcopy	By journal entry number	Financial Manager	Filing cabinet	10	5 years
28	Payments made (EFT or cheque)	Hardcopy	EFT by date, Cheque by number	Financial Manager	Filing cabinet	10	6 Years
29	Deposit Slips	Hardcopy	By date	Financial Manager	Filing cabinet	10	5 Years
30	Export documents	Hardcopy	Customer order by business unit	Financial Manager	Filing cabinet	10	5 Years
31	Import documents (bill of entry etc.)	Hardcopy	Bill of entry number	Financial Manager	Filing cabinet	10	5 years
32	Forward cover documents	Hardcopy	Date	Financial Manager	Filing cabinet	10	5 years
33	General Ledger reconciliation	Hardcopy	By account number by month	Financial Manager	Filing cabinet	10	5 years

## BUSINESS DOCUMENTATION

No.	Record Description	Record Format	Indexing Method	Maintained By	Storage Place	Classification	Retention Period
1	Minutes (Business Review Meetings, Project Meetings, etc)	Electronic	Date	Applicable Manager	File Server	10	Indefinite
2	Product information (Development documents, Licensing, Graphics, Project documents, customer supplied documents, source code, training documents, etc.)	Electronic	Per product	Applicable Manager	File Server	10	Indefinite
3	Marketing (Research, proposals, Branding Graphics, brochures)	Electronic	Per product Per Lead	Applicable Manager	File Server	10,11	Indefinite
4	Strategic Documents (outputs from strategic sessions)	Electronic	N/A	Applicable Manager	File Server	10,11	Indefinite
5	Copies of Financial Documents (Budget, monthly estimates / forecasts)	Electronic	Date	Applicable Manager	File Server	10,11	Indefinite

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## REQUESTING RECORDS

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. 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.
- 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 head of the private body.
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The head of the private body will then make a decision on the request and notify the requester in the required form (see Form C below).



# FORM C

## REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

(Act. No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Particulars of person requesting access to the record

*(a) The particulars of the person who requests access to the record must be given below.*

*(b) The address and/or fax number in the Republic to which the information is to be sent must be given.*

*(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 the request is made, when made on behalf of another person: \_\_\_\_\_

\_\_\_\_\_

C. Particulars of person on whose behalf request is made

*This section must be completed ONLY if 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) In 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 for exemption.

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 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) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such 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
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2. If record consists of visual Images (this includes photographs, slide, video recordings, computer -generated images, sketches, etc.):					
	view the images		Copy of the images*		transcription of the images*
3. If 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 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* (stiffy or 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? Postage 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 of \_\_\_\_\_

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

\_\_\_\_\_

## FEES IN RESPECT OF PRIVATE BODIES

1 ***The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.***

2 The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is	R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	7,50
(ii) compact disc	70,00

- |     |  |       |
|-----|--|-------|
| (d) | (i) For a transcription of visual images,<br>for an A4-size page or part thereof   | 40,00 |
|     | (ii) For a copy of visual images   | 60,00 |
| (e) | (i) For a transcription of an audio record,<br>for an A4-size page or part thereof   | 20,00 |
|     | (ii) For a copy of an audio record   | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour<br>or part of an hour reasonably required for such search and preparation. |       |

(2) For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.