



New Star Networks Proprietary Limited

Promotion of Access Information Manual

May 2021
Version 1

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RIGHT OF ACCESS TO INFORMATION

1.1 INTRODUCTION

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 (hereafter the 'Act'), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requestors to exercise and protect their constitutional right to request access to a record.

The Act established the following statutory rights of requestors to any record of a private body:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requestor complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act, private bodies are required to publish a manual to assist requestors who wish to request access to a record.

1.2 AVAILABILITY OF THE NEW STAR NETWORKS MANUAL AND ENTRY POINT FOR REQUESTORS

This document serves as the NEW STAR NETWORKS manual (hereafter referred to as the 'Manual') in accordance with the requirements of section 51 of the Act to facilitate access to records held by NEW STAR NETWORKS.

A copy of this Manual is available to the public in PDF (Portable Document Format) version of the website of NEW STAR NETWORKS at www.nsn.co.za or on the request from the Information Officer referred to in this Manual.

NEW STAR NETWORKS endorses the spirit of the Act and believes that this Manual will assist requestors in exercising their rights.

In summary, the Manual provides information on the:

- Contact details of the Information Officer;
- Structure and functions of NEW STAR NETWORKS
- Subjects and categories of records that are held by NEW STAR NETWORKS; and
- Procedure that needs to be followed and criteria that have to be met by a requestor to request access to a record.

1.3 WHO MAY REQUEST ACCESS TO INFORMATION

The Act provides that a requestor is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requestor has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.

A requestor may at in different capacities in machined a request for a record. This

Requestors may make a request as:

- A personal requestor who requests a record about him/herself;
- An agent requestor who requests a record on behalf of someone else;
- A third party requestor who requests a record about someone else; and
- A public body who may request a record if:

will influence the amount to be charged when a request has been lodged.

- It fulfils the requirements of procedural compliance;
- The record is required for the exercise of protection of a right; and
- No grounds for refusal exist.

1.4 CONTACT DETAILS OF NEW STAR NETWORKS INFORMATION OFFICER

The Chief Executive Officer of NEW STAR NETWORKS has delegated his powers to the Information Officer below in terms of the Act to handle all requests on NEW STAR NETWORKS’s behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

The Information Officer	<i>Jeremy de Agrela</i>
Physical Address	<i>New Star Networks pty ltd, Meyersdal Eco Office Park, Meyersdal, Alberton, 1448</i>
Postal Address	<i>New Star Networks pty ltd, Meyersdal Eco Office Park, Meyersdal, Alberton, 1448</i>
Tel:	<i>0871359700</i>
Email	<i>compliance@nsn.co.za</i>

1.5 POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

NEW STAR NETWORKS will protect the confidentiality of information provided to it by third parties, subject to NEW STAR NETWORKS’s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. if access is requested to a public record that contains information about a third party, NEW STAR NETWORKS is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

1.6 SAHRC GUIDANCE TO REQUESTORS ON HOW TO USE THE ACT

The South African Human Rights Commission (hereafter referred to as the 'SAHRC') is required in terms of section 10 of the Act to compile a guide that will facilitate ease of access of the Act for requestors. It contains information to assist a person wishing to exercise a right in terms of the Act.

The SAHRC guide is available from the SAHRC website at www.sahrc.org.za/home/

You may also request any additional information to assist you in making a request from the SAHRC.

Please direct any queries to:

The South African Human Rights Commission: PAIA Unit:

Physical address: 27 Stiemens Street, Braamfontein
Phone: 011 877 3600 (Switchboard)

Gauteng Provincial Office:
Telephonic Contact: 082 059 6520 (You can send WhatsApp messages on this number)
E-mail: GautengComplaints@sahrc.org.za

Western Cape Provincial Office:

- 1) Nonandi Diko- Legal Officer- 082 460 5640
- 2) Nelther Magazi- Legal Officer- 074 808 0066

NEW STAR NETWORKS

2.1 SCOPE

This Manual has been prepared in respect of the NEW STAR NETWORKS, which includes the following relates entities:
[None]

2.2 NEW STAR NETWORKS PROFILE AND STRUCTURE

NEW STAR NETWORKS is a Telecommunications, broadband and IT provider that focuses on providing services SME to large enterprises

CLASSES OF RECORDS

3.1 AUTOMATIC DISCLOSURE

No notice has been published in terms of section 52 of the Act. However, the following records are automatically available at the registered office of the Company on payment of the prescribed fee for reproduction.

- Documentation and information relating to NEW STAR NETWORKS which is held by the Companies and Intellectual Properties Commission in accordance with the requirements

- Promotional Brochures
- Marketing Information
- Extracts and communications published on the Company's website

as set out in section 25 of the Companies Act 71 of 2008

3.2 LEGISLATIVE RECORDS

Records are kept in accordance with such other legislation as applicable to the NEW STAR NETWORKS, which includes, but is not limited to:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998

- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Short Term Insurance Act. 53 of 1998
- South African Revenue Service Act 34 of 1997
- Value Added Tax Act 89 of 1991

Although we have used our best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete.

Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall update the list accordingly.

3.3 RECORDS HELD BY NEW STAR NETWORKS

CORPORATE AFFAIRS AND INVESTOR RELATIONS / COMMUNICATIONS

- Media Releases
- Newsletters and Publications

CORPORATE SECRETARY AND GOVERNANCE

- Applicable Statutory Documents
- Annual Reports
- Codes of Conduct
- Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Legal Compliance Records
- Memorandum of Incorporation
- Minutes of Board of Directors and Board Committee Meetings

CORPORATE SOCIAL INVESTMENT

- Donations
- CSI Projects and Investments

FINANCE AND TAX

- o Accounting Records
- Agreements
- Annual Financial Statements

- Audit Reports
- Investment Records
- Invoices and Statements

HUMAN RESOURCES

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- HR Policies and Procedures

IT

- Contracts and Agreements

LEGAL

- General legal correspondence
- Leases
- Litigation and Dispute Patent Records

MARKETING AND COMMUNICATION

- Marketing Brochures

- Personnel Information
- Retirement Benefit and Medical Aid Records
- UIF Returns
- Tax Returns of employees

- Property Records
- Records
- Trademarks
- Access Control Records
- Administration Documentation

ACCESS PROCEDURE AND REQUESTS

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by NEW STAR NETWORKS.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act

If it is reasonably suspected that the requester has obtained access to the NEW STAR NETWORKS's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

4.1 GUIDANCE ON COMPLETION OF PRESCRIBED FORM

In order for NEW STAR NETWORKS to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure 1. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. NEW STAR NETWORKS will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the

provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.

- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state N/A in response to the question.

following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in the English language.
- Proof of identity is required to authenticate the identify of the requester. If the requester acts as an agent requester, the requester shall
 - If there is nothing to disclose in reply to a particular question, state nil in response to the application.
 - If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
 - When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

4.2 SUBMISSION OF PRESCRIBED ACCESS FORM

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Four types of fees are provided for in terms of the Act:

Request fee: An initial, non-refundable R450 (incl. VAT) is payable on submission.

This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Reproduction fee: This fee is payable with respect to all records that are automatically available.

Access fee: If the request for access is successful an access fee may be required to re-imburse NEW STAR NETWORKS for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.

Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if NEW STAR NETWORKS receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

4.3 NOTIFICATION

NEW STAR NETWORKS will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which NEW STAR NETWORKS has to decide

If the request for access to a record is successful the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record;
- An indication of the form in which the access will be granted; and

whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of NEW STAR NETWORKS and the information cannot be reasonably be obtained within the original thirty (30) day period. NEW STAR NETWORKS will notify the requester in writer should an extension be sought.

- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application

If the request for access to a record is not successful the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application

4.4 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If NEW STAR NETWORKS has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation.

This will include the steps that were taken to try to locate the record.

GROUND FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

5.1 GROUND FOR REFUSAL

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer. Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of commercial information of a third party or NEW STAR NETWORKS, if the record contains:
 - Trade secrets of the third party or NEW STAR NETWORKS;
 - to a disadvantage in negotiations or commercial competition.
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of NEW STAR NETWORKS.

- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or NEW STAR NETWORKS; and
- Information disclosed in confidence by a third party to NEW STAR NETWORKS if the disclosure could put that third party

5.2 APPEAL

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within one hundred and eighty (180) days of notification of the Information Officer

a court for appropriate relief in accordance with Section 78 of the Act.

PRESCRIBED FEES

6.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
For every photocopy of an A4 size page or part thereof	3.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	1.50
For a copy in a computer readable form: Compact disc	250.00
A transcription of visual images, for an A4-size page or part thereof	4.00
For a copy of visual images	4.00
A transcription of an audio record, for an A4-size page or part thereof	75.00
For a copy of an audio record	75.00

6.2 Request Fee

A request fee of R450.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

6.3 Access Fee

The applicable fees (excluding VAT) which will be payable are:

	Rand
For every photocopy of an A4 size page or part thereof	3.00

For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	1.50
For a copy in a computer readable form: Compact disc	250.00
A transcription of visual images, for an A4-size page or part thereof	4.00
For a copy of visual images	4.00
A transcription of an audio record, for an A4-size page or part thereof	75.00
For a copy of an audio record	75.00
To search a record that must be disclosed, per hour or per part of the hour	450.00

6.4 Postage Fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

Annexure 1 Access Form

REQUEST OF ACCESS TO A RECORD

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

A. Particulars of Private Body

Contact Details	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	

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.

Details of Requestor

Surname	
Full names	
Identity number	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	

If a request is made on behalf of another person the requester is obliged to identify him/herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

C. Particulars of person on whose behalf request is made

Surname	
Full names	
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 for exemption.

Reason for exemption from payment of fees:

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

Disability:	
Form in which record is required:	
<p>Mark box with an X</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

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 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* (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 _____ 2021

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE