

PROMOTION OF ACCESS TO INFORMATION ACT
Section 51 Manual
For MindSpring Computing

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 exercise 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 MINDSPRING COMPUTING OVERVIEW

MindSpring Computing provides Internet Services and Access to its customers, in both the corporate and home market. Some of these services include, but are not limited to, on-site support, software development, WAN and LAN design and implementation, hardware and software sales and consulting services.

MindSpring Computing 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.mindspring.co.za/manual.pdf) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission ("SAHRC") at the addresses set out below. This Manual will be updated from time to time, as and when required.

3 HOW TO REQUEST ACCESS TO RECORDS HELD BY MINDSPRING COMPUTING

Requests for access to records held by MindSpring Computing must be made on the request form that is available on our website, from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations"). Note that requests need not be accompanied by payment BUT will only be processed upon payment of the prescribed fees.

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 the MindSpring Computing.

The standard form that must be used for the making of requests is attached as annexure 1. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to MindSpring Computing 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 MindSpring Computing 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:	MindSpring Computing
Designated Information Officer:	Pramod Daya
Email address of Information Officer:	pramod@mindspring.co.za
Postal address:	P.O. Box 46926, Glosderry, 7702
Street address:	Unit 5 Doncaster Office Park, Punters way, Kenilworth, 7708
Phone number:	+27 21 657 1780
Fax number:	+27 21 671 7599

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 August 2003. 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
E-mail: paia@sahrc.org.za

6 VOLUNTARY DISCLOSURE

MindSpring Computing has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to MindSpring Computing and its services is freely available on MindSpring Computing's website. Certain other information relating to MindSpring Computing 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 OTHER LEGISLATION *Section 51 (1) (d)*

Information is available in terms of the following legislation, if and where applicable.

- Basic Conditions of Employment No. 75 of 1997
- Closed Corporation Act No. 69 of 1984
- Companies Act 61 of 1973
- Electronic Communications and Transactions Act 25 of 2002.
- Labour Relations Act 66 of 1995
- Promotion of Access to Information Act No. 2 of 2000
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

Access to the records held by the private body in question

- i. **The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) Section 51(1)(c)**

Not applicable

- ii. **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) stifty 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) stifty disc	7,50
(i) 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

(f) To search for and prepare the record for disclosure, R30,00 for each hour 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.

8 RECORDS HELD BY MINDSPRING COMPUTING

MindSpring Computing 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

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

8.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of MindSpring Computing and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of MindSpring Computing. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to MindSpring Computing by their personnel;
- Any records a third party has provided to MindSpring Computing 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.

8.3 Customer records

Please be aware that MindSpring Computing 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 MindSpring Computing or a third party acting for or on behalf of MindSpring Computing;
- 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 MindSpring Computing 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 MindSpring Computing either directly or indirectly; and
- Records generated by or within MindSpring Computing pertaining to customers, including transactional records.

8.4 Technical records

- Technical records generated by, or within MindSpring Computing pertaining to customers.

8.5 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to MindSpring Computing. The following records fall under this category:

- Personnel, customer or MindSpring Computing records which are held by another party as opposed to being held by MindSpring Computing; and
- Records held by MindSpring Computing 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 MindSpring Computing own commercial activities; and
- Research carried out on behalf of a client by MindSpring Computing or commissioned from a third party for a customer;
- Research information belonging to MindSpring Computing, whether carried out itself or commissioned from a third party.

Prescribed forms

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 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 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 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:

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 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 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* (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 _____ 20 _____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE