



OPENSERVE (PTY) LTD

PRIVATE BODY

POPIA AND PAIA MANUAL



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1. DEFINITIONS

- 1.1. **“Data Subject”** means the person to whom personal information relates;
- 1.2. **“Information Officer”** means:
- a) in the case of a natural person, that natural person or any person duly authorized by that natural person;
 - b) in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership;
 - c) in the case of a juristic person -
 - i. the chief executive officer or equivalent officer of the juristic person or any person duly authorized by the officer; or
 - ii. the person who is acting as such or any person duly authorized by such acting person;
- 1.3. **“PAIA”** means the Promotion of Access to Information Act 2 of 2000 as amended;
- 1.4. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - d) the biometric information of the person;
 - e) the personal opinions, views or preferences of the person;
 - f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - g) the views or opinions of another individual about the person; and

- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

1.5. **“POPIA”** means the Protection of Personal Information Act 4 of 2013;

1.6. **“Private Body”** means:

- a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- b) a partnership which carries or has carried on any trade, business or profession;
- c) former or existing juristic person, but excludes a public body;

1.7. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

1.8. **“Public Body”** means:

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- (b) any other functionary or institution when –
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation;

1.9. **“Record”** means any recorded information:

- a) regardless of form or medium;
- b) in the possession or under the control of that public or private body, respectively; and
- c) whether or not it was created by that public or private body, respectively;

1.10. **“Requester”** in relation to a private body, means:

- (a) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- (b) a person acting on behalf of the person contemplated in subparagraph (a);

1.11. **“Openserve”** means a company incorporated in terms of the company laws of the Republic of South Africa under registration number 2019/387229/07.

2. INTRODUCTION

- 2.1 The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.
- 2.2 The Act also requires a public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. Openserve is a private body under of the definition of “private body” in section 1 of the Act. This document serves as Openserve’s manual with regard to information or records in relation to which Openserve is a private body.

3. COMPANY OVERVIEW

3.1 Openserve is a privatecompany incorporated in terms of the company laws of the Republic of South Africa under registration number 2019/387229/07. Openserve is a wholly owned subsidiary of Telkom SA SOC Limited.

3.2 The main business of Openserve is:

- (a) to provide wholesale electronic communications services to other operators for sole use or resell to the public and electronic communications network services in terms of the licences (the Electronic Communications Network Licence and the Electronic Communications Services Licence) issued to it in terms of the Electronic Communications Act, 36 of 2005;
- (b) information technology services to other operators for sole use or resell to the public; and
- (c) services provided through the Data Center Operation.

4. PARTICULARS IN TERMS OF SECTION 51

4.1 Contact Details

(a) The Information Officer of Openserve is:

Name: Ms. Beauty Apleni
Physical Address: Telkom Park
61 Oak Avenue
Highveld Technopark, CENTURION, 0157
E-mail: PopiaPaia@openserve.co.za,

(a) The Information Officer has duly authorized the persons below as Deputy Information Officers to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Deputy Information Officers: Ms. Corlia Roets, (Chief Financial Officer)
Mr. Reubin Layman (Chief Information Officer)
Ms. Makgosi Mabaso (Chief Commercial Officer)
Mr. Robert Jorge (Chief Network Officer)
Ms. Shirley Moodley (Acting Chief & Digital Strategy Officer)
Mr. Selby Khuzwayo (Chief Regional Officer - North)
Mr. Shawn Botes (Chief Network Planning & Eng. Officer)
Mr. Justin Hughes (Acting Chief Administration Officer)
Ms. Marna Wilden (Chief Regional Officer - South)

Physical Address: Telkom Park
61 Oak Avenue
Highveld Technopark, CENTURION, 0157

Phone Number: +27 12 311 1104
E-mail: PopiaPaia@openserve.co.za,
Website: www.openserve.co.za

4.2 The Section 10 Guide

The Information Regulator will, in terms of section 10 of the Act, compile a guide on the use of the Act. This guide is available from the Information Regulator at the following address:

Woodmead North Office Park
Maxwell Drive, Woodmead, Johannesburg, 2191
Tel: +27 10 023 5200 / +27 80 001 7160
E-mail: enquiries@infoeregulator.org.za
Website: www.infoeregulator.org.za

4.3 Records Automatically Available

Below is a description of the categories of records of Openserve that are automatically available without a person having to request access in terms of the Act.

Category of Records	Types of the Record	Available on Website	Available on App	Available upon request
Company	Product and Service offering	X	X	X
	Standard Service terms and conditions	X	X	X
	List of internet service provider	X	X	X
Telkom Group Functions	Tender bulletin	X		
	Procurement Policy and Supplier Code of Conduct	X		
Help & Self-help	Frequently asked questions	X	X	
	Fibre devices on your premises (guide)	X	X	
	Fibre coverage map	X	X	
	Fibre Box (ONT) support guide	X	X	X

4.4 **Description of the records of Openserve which are available in accordance with any other legislation**

Openserve has records available in accordance with the following legislation.	
Category of Records	Applicable Legislation
PAIA Manual	Promotion of Access to Information Act 2 of 2000
PAIA Guide	
Privacy Statement	Protection of Personal Information Act 4 of 2013
Service Terms and Conditions	Consumer Protection Act No. 68 of 2008
Memorandum of Incorporation	Companies Act 71 of 2008

4.5 **A description of the subjects of the records held by Openserve and the categories in which these subjects are classed**

Openserve holds the following records and information which is categorized in the following categories.	
Subjects on which the body holds records	Categories of records
Company Secretary	Memorandum of Incorporation Combined Company Register Minutes of meetings of the Board, its Committees and the Executive Committee Board Charter and Board Committee Charters Statutory Returns Powers of Attorney Delegation of Authority



	Share Certificates
Movable and Immovable Property	Title Deeds Lease Agreements Hire Agreements Hire-purchase Agreements Credit Sale Agreements Ordinary and Conditional Sale Agreements
Intellectual Property	Trade Marks Patents Copyrights Designs Know-how Licences
Insurance	Policies Insurance claim files
Taxation	Income tax returns VAT returns PAYE returns RSC Levy returns UIF returns
Human Resources	Policies and procedures Employee personal information;



	Employment agreements Forms and applications Payroll report Payslips IRP5's Accident books and records Workplace and Union agreements and records Employee benefits, arrangements, rules and records Safety, Health and Environmental records Labour dispute records Disciplinary code Grievance procedure Employee training
Finance	Audited annual financial statements Management accounts Banking details and bank accounts Debtors/Creditors statements and invoices General ledgers and subsidiary ledgers General ledger reconciliation Policies and Procedures
Procurement	Policies and Procedures/Manuals



	Reports and supporting documentation Tender documentation Standard Terms and Conditions for supply of services, products and software to Openserve Contractor, client and supplier agreements and information Security documents
Operations	Telecommunications traffic Network Policies and Procedures Any agreements related to the operations of Openserve
Legal	Contracts Commercial disputes Litigation
Regulatory	Permits, licences, consents, approvals, authorisations, applications, registrations and exemptions Submissions to ICASA Submissions to parliament Disputes
Information Technology	System documentation and manuals Project, disaster recovery and implementation plans



	Internet policy documentation Computer policy documentation
Administration	Intranet Correspondence with internal and external parties
Forensics	Forensic Policy Forensic reports Investigation case data
Commercial	Billing Inter-operator settlements Customers Credit vetting Quotes Opportunities Master service agreement. Product terms and agreement Interconnect Policies and Procedures Tariffs and rate cards

5. PROCESSES AND PROCEDURES FOR REQUESTING ACCESS TO INFORMATION OR RECORDS

- (a) The Requester must use the prescribed Form 2 attached to this manual, to make the request for access to a record.

- (b) The request must be made to the Deputy Information Officer whose contact details are set out in paragraph 4 above. The completed Form 2 together with payment of a request fee (if applicable) and a deposit (if applicable) must be sent to the address or electronic mail address of such Deputy Information Officer set out in paragraph 4above.
- (c) The Requester must provide sufficient particulars on the request form to enable the Deputy Information Officer to identify the record requested and the Requester. Where the request is made by a personal requester, being a Requester seeking access to records containing their own personal information, the Requester is required to provide an acceptable form of identification such as a certified copy of his / her identity document or any other form of identification acceptable to Openserve.
- (d) 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.
- (e) 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.
- (f) If a Request is made on behalf of another person or juristic person, the requester must submit proof of the capacity in which the requester is making the request and must be a duly appointed officer of the legal entity, to the satisfaction of the contact persons of Openserve.
- (g) The Deputy Information Officer shall notify the requester notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

5.1 Prescribed Fees in respect of Private Bodies

- (a) The prescribed fees for requests to private bodies are available on the website of the Information Regulator at www.inforegulator.org.za and the website of the Department of Justice and Constitutional Development at www.justice.gov.za.
- (b) The banking details to be used are as follows:

Pay	OPENSERVE (PTY) LTD
Bank	ABSA BANK
Name	OPENSERVE INTERNET PAYMENTS ACCOUNT
Current account	4102933365
Branch	PRETORIA
Branch Code *	323345
SWIFT code	ABSAZAJJ

5.2 Decision to grant or decline request for access to records

Openserve shall, within 30 days of receipt of a request for access to records, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which Openserve must decide whether to grant or refuse a request, may be extended by a further period of no more than 30 days, if the information cannot reasonably be obtained within the original 30-day period. The Deputy Information Officer will notify the Requester in writing should an extension be necessary.

5.3 Grounds for Refusal of Access to Records

- (a) Openserve may refuse a request for information or record if that information or record relates to:
 - i. mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
 - ii. mandatory protection of the commercial information of a third party, if the record contains:
 - 1. trade secrets of that third party;
 - 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 3. information disclosed in confidence by a third party to Openserve, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - iii. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - iv. mandatory protection of the safety of individuals and the protection of property;
 - v. mandatory protection of records which would be regarded as privileged in legal proceedings;
 - vi. the commercial activities of Openserve, which may include:
 - 1. trade secrets of that third party;
 - 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 3. information disclosed in confidence by a third party to Openserve, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 4. a computer program which is owned by Openserve and which is protected by copyright;
 - vii. the research information of Openserve or third party, if its disclosure would disclose the



identity of Openserve, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

- (b) Openserve shall refuse a request for information where such requests are frivolous or vexatious or involve an unreasonable diversion of Openserve resources.
- (c) Any other right to refuse as allowed under PAIA.

5.4 Remedies available to the Requester on refusal of a request for access to records

- (a) Openserve does not have internal appeal procedures. Thus, the decision made by the Deputy Information Officer is final.
- (b) In the event that Openserve refuses to grant the Requester access to requested records, the Requester may lodge an application with a court, within 180 days of the decision, for Openserve to be ordered to give the Requester access to the requested records.
- (c) In the event that the court orders Openserve to grant the Requester access to the requested records, the Requester must pay the access fee for the reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.

6. PROCESSING OF PERSONAL INFORMATION

6.1 Purpose for Processing Personal Information

The purposes for which we process personal information includes, but is not limited to:

- (a) respond to your enquiry;
- (b) provide services or products to you;
- (c) provide access to restricted pages on our website;
- (d) comply with legal requirements or industry codes;
- (e) market or promote our services and products;
- (f) safety and security reasons; and
- (g) compile non-personal statistical information about browsing habits, click-patterns and access to the Openserve website.

6.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Openserve may receive, collect and hold personal information and records of the following categories of data subjects	
Categories of Data Subjects	Personal Information that may be processed
Employees/personnel, board members of Openserve-, prospective employees	name and surname, identity number, employment history, criminal behaviour, biometric information, trade union membership, race or ethnic origin, health
Customers or prospective customers of Openserve	name and surname, identity or passport number, payment information (banking details for debit orders), postal or street address, title, contact numbers, e-mail address, biometric information,
Service providers to Openserve	company registration number, VAT number, tax number, contact details, postal or street address, biometric information
Visitors (to Openserve premises)	biometric information, name and surname, identity number or passport number
Users (of our website or interraction with us on social media)	non-personal browsing habits and click patterns, e-mail address, IP address, telephone data information, or username and password
Persons that may have or had business with Openserve	name and surname, identity number, company registration number (if applicable), contact details
Juristic persons that may have or had business with Openserve	account numbers, vat registration and license details, contract details, credit vetting and BBBE certificates.

6.3 Categories of recipients to whom personal information may be provided



Parties who we disclose personal information to include, but are not limited to:

- (a) Affiliates and representatives of Openserve;
- (b) Service providers to Openserve;
- (c) Accredited debt collection agencies; and
- (d) regulators, courts, tribunals and law enforcement agencies.

6.4 Planned trans-border flow of personal information

- (a) Openserve may need to transfer personal information to a country outside the Republic of South Africa for processing or storage and to that extent, Openserve will enter into appropriate confidentiality agreements with the relevant affiliate and / or subcontractor, to ensure that such transfer will be subject to an adequate level of protection as described in POPIA.
- (b) Openserve may transfer your information to other countries which do not have similar protection as provided for in POPIA, with the consent of Data Subject.

6.5 Information Security Measures

- (a) We take appropriate and reasonable technical and organisational measures to prevent any unauthorised or unlawful access, loss of, damage to or unauthorised destruction of personal information.
- (b) We have implemented various policies, procedures and standards to safeguard personal information.
- (c) We regularly verify that the safeguards are effectively implemented and ensure that they are continually updated in line with best practice.
- (d) We have implemented procedures to address actual and suspected data breaches, and undertake to notify data subjects and the relevant regulatory authorities of breaches in instances in which Openserve is legally required to do so and within the period in which such notification is necessary.

6.6 Objection to Processing of Personal Information

A Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed Form 1 attached to this manual, subject to exceptions contained in POPIA.

6.7 Request for correction or deletion of Personal Information



A Data Subject may request for their Personal Information to be corrected/deleted in the prescribed Form 2 attached to this manual, subject to the provisions of POPIA.

6.8 Availability of the Manual

This manual has been made available to the Information Regulator, in accordance with the Regulations promulgated in terms of the Act and is published on the Openserve website.

PAIA FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made	



<i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made <i>(if applicable)</i>				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
PARTICULARS OF RECORD REQUESTED				
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>				

Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	

Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at _____ this _____ day of _____ 20__

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by:</i> (State Rank, Name And Surname of Information Officer)	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF [SECTION 11 \(3\)](#) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT [NO. 4 OF 2013](#))

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [\[Regulation 2\]](#)

Note:

- 1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3. Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email	

address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11 (1) (d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ this _____ day of _____ 20__

Signature of data subject/designated person

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION
OF RECORD OF PERSONAL INFORMATION IN TERMS OF [SECTION 24 \(1\)](#) OF THE PROTECTION OF
PERSONAL INFORMATION ACT, 2013 (ACT [NO. 4 OF 2013](#))

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018 [[Regulation 3](#)]

Note:

- 1. Affidavits or other documentary evidence as applicable in support of the request may be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3. Complete as is applicable.*

Mark the appropriate box with an
"x". **Request for:**

☐	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
☐	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	

B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/Email address:	
C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN <i>(Please provide detailed reasons for the request)</i>



Signed at _____ this _____ day of _____
20 _____

Signature of data subject/designated person