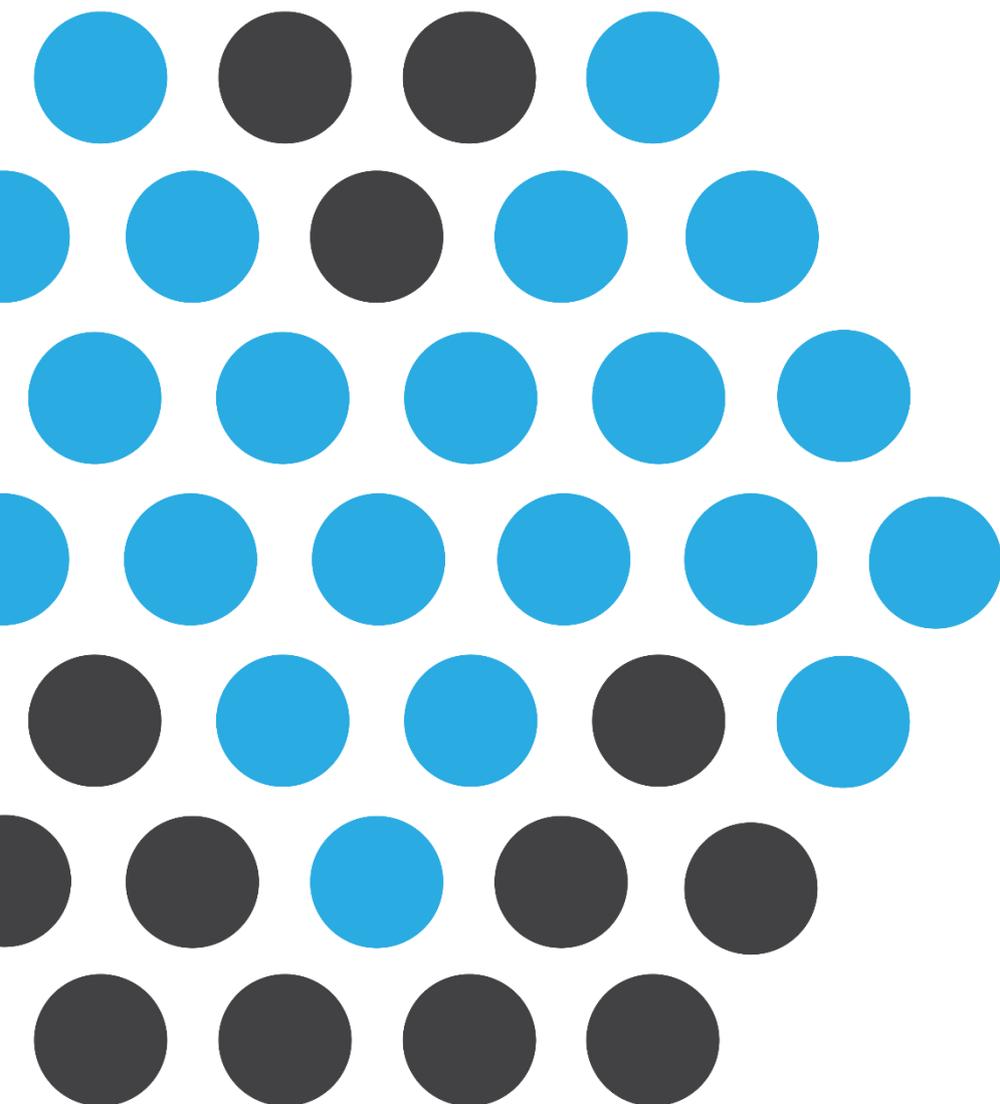




# METROFIBRE

**PAIA Manual**



**CONTENT**

1. INTRODUCTION	2
2. PURPOSE	2
3. COMPANY DETAILS	2
4. PAIA GUIDE	3
5. INFORMATION HELD BY METROFIBRE	3
6. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION	5
7. INFORMATION AUTOMATICALLY AVAILABLE	6
8. PERSONAL INFORMATION	6
ANNEXURE A	7

## 1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (the “**Act**” or “**PAIA**”) came into operation on 23 November 2001. Section 51 of the Act requires that we as a private body compile a manual, giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting their constitutional right to access to information.

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.

## 2. PURPOSE

The purpose of this manual is to provide guidelines to the public who wish to exercise their constitutional right to access to information. Below you will find information on how to lodge your request; a description of the types of information that will be made available, our grounds for refusal to provide information (where applicable), what procedure will be followed in considering your request, the applicable fee structure and information on the appeals procedure should you not be satisfied with the outcome of your request.

## 3. COMPANY DETAILS

<b>Full Name</b>	Metro Fibre Networx Proprietary Limited and its subsidiaries (“ <b>MetroFibre</b> ”)
<b>Registered Address</b>	298 Witch-Hazel Avenue, Highveld Centurion, 0157
<b>Telephone Number</b>	087 151 4000
<b>CEO</b>	Steve Booysen
<b>Information Officer</b>	Email address <a href="mailto:infoOfficer@metrofibre.co.za">infoOfficer@metrofibre.co.za</a>
<b>Website</b>	<a href="http://www.metrofibre.co.za">www.metrofibre.co.za</a>

MetroFibre is a South African open access fibre network and broadband fibre provider, based in Gauteng. MetroFibre owns and manages South Africa’s first globally compliant Carrier Ethernet 2.0 (CE 2.0) open access fibre network, over which it connects cloud, application, voice and internet service providers with their customers. MetroFibre has a number of subsidiaries within the Republic of South Africa, which are also subject to this manual.

MetroFibre, as a private body, has compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in its environment and to ensure that members of the public have effective access to information in MetroFibre’s possession which will assist them in the exercise and protection of their rights. A copy of this manual and the annexures are also available on our website at [www.metrofibre.co.za](http://www.metrofibre.co.za).

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with herein.

#### 4. PAIA GUIDE

In order to assist those who are not familiar with PAIA or POPIA, a Guide that contains information to assist you in understanding how to exercise your rights under PAIA (the “**Guide**”) is available in all the South African official languages.

The Guide can be obtained upon request to the Information Officer (<https://www.justice.gov.za/inforeg/>) in any of the official languages. In addition, a copy of the Guide is also available in English and in Afrikaans for public inspection during normal office hours at MetroFibre’s registered office.

#### 5. INFORMATION HELD BY METROFIBRE

MetroFibre maintains records on, *inter alia*, 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.

INTERNAL RECORDS	PERSONNEL RECORDS	CUSTOMER RECORDS	OTHER RECORDS
<ul style="list-style-type: none"> <li>• Statutory records</li> <li>• Financial records</li> <li>• Operational records</li> <li>• Intellectual property</li> <li>• Marketing records</li> <li>• Product records</li> <li>• Internal policies and procedures</li> <li>• Licences</li> <li>• Internal correspondence</li> <li>• Records held by officials of MetroFibre</li> </ul>	<ul style="list-style-type: none"> <li>• Any personal records provided to MetroFibre</li> <li>• Any records a third party has provided to MetroFibre</li> <li>• Conditions of employment and other personnel-related contractual and quasi-legal records</li> <li>• Internal evaluation records</li> <li>• Other internal records and correspondence</li> </ul>	<ul style="list-style-type: none"> <li>• Any records a customer has provided to MetroFibre or a third party acting for or on behalf of MetroFibre</li> <li>• Customer needs assessments</li> <li>• Personal records of customers</li> <li>• Credit information and other research conducted in respect of customers</li> <li>• Any records a third party has provided to MetroFibre about customers</li> <li>• Confidential, privileged, contractual</li> </ul>	<ul style="list-style-type: none"> <li>• Information relating to MetroFibre’s own commercial activities</li> </ul>

		and quasi legal records of customers <ul style="list-style-type: none"> <li>• Records generated by or within MetroFibre pertaining to customers, including transactional records</li> </ul>	
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If you wish to request access to any of the above categories of information, you are required to complete a request form (**Form C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**). This form is available from:

- our Information Officer (whose contact details are provided in this manual);
- our Website;
- the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)); or
- the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

The form must then be sent to MetroFibre’s Information Officer at [infoOfficer@metrofibre.co.za](mailto:infoOfficer@metrofibre.co.za). There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in Annexure A.

You may also be called upon to pay the additional fees prescribed by regulations for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic but given on a need-to-know basis – you must identify the right you are seeking to exercise or protection of that right. The aim of the Act is to try and balance the right of access to information with all the other rights in the constitution such as protecting privacy and confidential commercial information.

Considerations before submitting a request:

- Are you submitting the request to exercise or protect any of your legitimate rights?
- Is the information you require in record form and under the control of MetroFibre?
- Do you have a legitimate right to access the records?

Take note that the accessibility of the documents listed above may be subject to the grounds of refusal as set out in the Act, including but not limited to:

- protecting the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- protecting the commercial information of a third party, if the record contains:
  - trade secrets of that third party;

- financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or
- information disclosed in confidence by a third party to MetroFibre if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- protecting confidential information of third parties if it is protected in terms of any agreement or legislation;
- protecting the safety of individuals and the protection of their property;
- protecting records which would be regarded as privileged in legal proceedings;
- protecting the commercial activities of Metro Fibre, which may include:
  - trade secrets of MetroFibre;
  - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of MetroFibre; or
  - information which, if disclosed, could put MetroFibre at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by MetroFibre and which is protected by copy right. The research information of MetroFibre or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- requests for information that is clearly frivolous or vexatious or which involves an unreasonable diversion of resources shall be refused.

You will be notified in the manner indicated by you on the request form whether your request has been approved.

You may lodge an application with the Court, appealing MetroFibre's decision regarding the access fee and/or the form of access granted and/or any requested time extensions within 180 days from receiving MetroFibre's decision.

## **6. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

**Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:**

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 7 of 2008
- Compensation for Occupational Injuries and Diseases Act of 1993
- Competition Act 89 of 1998
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act of 1995
- Skills Development Act 97 of 1998
- Promotion of Access to Information Act 2 of 2000
- Occupational Health and Safety Act 85 of 1993
- Value-added Tax Act No. 89 of 1991
- Protection of Personal Information Act 4 of 2013
- Electronic Communications and Transactions Act 25 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Electronic Communications Act 36 of 2005
- Independent Communications Authority of South Africa Act 13 of 2000
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002

## 7. INFORMATION AUTOMATICALLY AVAILABLE

Information relating to MetroFibre's services are freely available on our website. Certain other information relating to MetroFibre is also made available on the website from time to time.

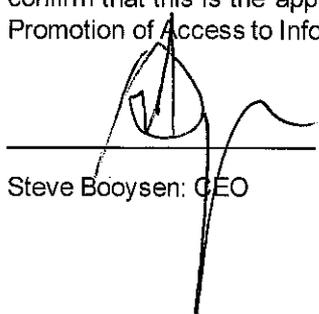
Information in the form of marketing brochures, advertising material and other literature intended for public viewing is made available from time to time.

## 8. PERSONAL INFORMATION

For more information on the personal information MetroFibre processes in terms of the Protection of Personal Information Act 4 of 2013, as amended, please refer to MetroFibre's Privacy Policy updated from time to time on our website [www.metrofibre.co.za](http://www.metrofibre.co.za).

### PAIA Manual Approval

I, Steve Booyesen the Chief Executive Officer of MetroFibre Networkx Proprietary Limited do hereby confirm that this is the approved Access to information manual in compliance with Section 51 of the Promotion of Access to Information Act 2 of 2000.

  
Steve Booyesen: CEO

12 January 2022  
Date

**ANNEXURE A**

	Description	Rand
1	The fee for a <b>copy of the manual</b> as contemplated in regulation 9(2)(c) – for every photocopy of an A4-size page or part thereof	1,10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
(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 computer-readable form on [USB drive]	60,00
(d) (i)	For a transcription of visual images, or an A4-size page or part thereof	40,00
(d) (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
(e) (ii)	For a copy of an audio record	30,00
3	The <b>request fee</b> payable by a requestor referred to in regulation 11(2) are as follows:	
(a)	For Public Bodies	100,00
(b)	For Private Bodies	140,00
4	The <b>access fees</b> payable by a requestor referred to in regulation 11(3) are as follows:	
4.1 (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 computer-readable form on [USB drive]	60,00

(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
(e) (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, excluding the first hour, reasonably required for such search and preparation	
<b>4.2</b>	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 requestor.	
<b>4.3</b>	The actual postage is payable when a copy of a record must be posted to a requestor	
<p><b>Note:</b> People who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14 712.00 per annum (if single) and (R27 192.00 per annum (if married or in a life partnership) are also exempt from paying the request fees.</p>		