

**TERACO DATA ENVIRONMENTS PROPRIETARY LIMITED (COMPANY REGISTRATION NUMBER:
2007/002468/07) (“Teraco”)**

PAIA – PROMOTION OF ACCESS TO INFORMATION ACT

**Information Manual in Terms of Section 51 of the Promotion of Access to Information Act 2 of 2000
 (“PAIA”)**

POPI- REQUEST FORMS

This Manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of the Protection of Personal Information Act 4 of 2014 (“POPI”)

1. OVERVIEW OF TERACO

- 1.1. Teraco is the first provider of vendor neutral Data Centres in Africa. Clients trust Teraco to collocate their business systems in network independent colocation facilities built and operated to global best practice, while benefiting from an unrestricted choice of carrier network and service provider.
- 1.2. Through Teraco’s investment in resilient Data Centre infrastructure, it’s South African colocation clients are provided with guaranteed levels of uptime, power and service availability as standard. Teraco offers global best-practice, network independent Data Centre colocation in Africa.

2. INTRODUCTION

- 2.1. PAIA gives effect to section 37(1)(a) and (b) of the Constitution of the Republic of South Africa Act 108 of 1996, which provides for the right of access of information held by public and private bodies when such information is requested for the exercise of protection of any rights.

- 2.2. PAIA, inter alia, sets out the requisite procedural requirements in relation to a request for information, the requirements to be met and grounds for refusal of the request.
- 2.3. PAIA recognises that the right to any information may be limited to the extent that such limitations (including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effect, efficient and good governance), are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in section 36 of the Constitution.
- 2.4. POPI promotes the protection of personal information processed by public and private bodies, inducing certain conditions so as to establish minimum requirements for the processing of personal information. POPI amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPI and in terms of PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 2.5. The purpose of this Manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by PAIA and/or POPI.

3. PARTICULARS IN TERMS OF SECTION 51 OF PAIA

- 3.1. Part 1: Contact Details [Section 51(1)(a)]

Postal Address:

Postnet Suite #338,
Private Bag X2020,
Isando,
1600
Johannesburg

Physical Address:

5 Brewery Street,
Isando,
1600

Johannesburg

Telephone: 011 573 2800

Website: www.teraco.co.za

E-mail: informationofficer@teraco.co.za

Contact Person: The Information Officer, Mrs Helen Kruger

3.2. Part 2: The Section 10 Guide on how to use PAIA [Section 51(1)(b)(i)]

An official guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPI. This guide is made available by the Information Regulator (established in terms of POPI). Copies of the updated guide are available from Information Regulator in the manner prescribed. The Information Regulator's contact details are set out below.

The Information Regulator

Contact Details:

- Tel: 012 406 4818
- Fax: 086 500 3351
- Email: infoereg@justice.gov.za
- Website: <http://www.justice.gov.za/infoereg/>.

3.3. Part 3: Notice in terms of Section 51(1)(b)(ii)

3.3.1. At this stage no notice(s) has/have been published on the categories of record automatically available without a person having to request access thereto in terms of PAIA.

3.3.2. The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA. All other information is freely available on Teraco's website at www.teraco.co.za .

3.4. Part 4: Records available in terms of any other legislation [Section 51(1)(b)(iii)]

3.4.1. All records are available in terms of the following legislation:

- 3.4.1.1. Basic Conditions of Employment Act, 75 of 1997;
- 3.4.1.2. Companies Act, 71 of 2008;
- 3.4.1.3. Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- 3.4.1.4. Competition Act, 89 of 1998;
- 3.4.1.5. Customs and Excise Act, 91 of 1964;
- 3.4.1.6. Employment Equity Act, 55 of 1998;
- 3.4.1.7. Labour Relations Act, 66 of 1995;
- 3.4.1.8. Occupational Health and Safety Act, 85 of 1993;
- 3.4.1.9. Skills Development Act, 97 of 1998;
- 3.4.1.10. Trademarks Act, 194 of 1993;
- 3.4.1.11. Unemployment Insurance Act, 63 of 2001;
- 3.4.1.12. Value Added Tax Act, 89 of 1991.

3.4.2. Companies Act Records;

- 3.4.2.1. Memorandum of Incorporation;
- 3.4.2.2. Minutes of meeting of the Board of Directors;
- 3.4.2.3. Minutes of meetings of Shareholders;
- 3.4.2.4. Records relating to the appointment of:
 - Directors;
 - Auditors;
 - Secretary;
 - Public Officer;
 - Any other Officer.

3.4.2.5. Share Register and other statutory registers and/or records and/or documents.

3.4.3. Financial Records:

3.4.3.1. Annual Financial Statements;

3.4.3.2. Tax Returns;

3.4.3.3. Accounting Records;

3.4.3.4. Asset Register;

3.4.3.5. Rental Agreements;

3.4.3.6. Invoices.

3.4.4. Income Tax Records:

3.4.4.1. Pay-as-you-earn (PAYE) Records;

3.4.4.2. Documents issued to employees for income tax purposes;

3.4.4.3. Records of payments made to South African Revenue Services on behalf of Employees.

3.4.5. All or any statutory compliances:

3.4.5.1. Value Added Tax;

3.4.5.2. Regional Services Levies;

3.4.5.3. Skills Development Levies;

3.4.5.4. Unemployment Insurance Fund;

3.4.5.5. Workman's Compensation;

3.4.5.6. Customs and Excise.

3.4.6. Personnel Documents and Records:

3.4.6.1. Employment Contracts;

3.4.6.2. Employment Equity Plan (If applicable);

- 3.4.6.3. Medical Aid Records;
- 3.4.6.4. Pension Fund Records;
- 3.4.6.5. Disciplinary Records;
- 3.4.6.6. Salary Records;
- 3.4.6.7. Disciplinary Code;
- 3.4.6.8. Leave Records;
- 3.4.6.9. Training Records;
- 3.4.6.10. Training Manuals;
- 3.4.6.11. Address Lists;
- 3.4.6.12. Internal Telephone Lists.

3.4.7. Third Party Records:

- 3.4.7.1. Records held by Teraco pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by other parties, and records third parties have provided about any contractors and/or suppliers;
- 3.4.7.2. Records held by Teraco pertaining to contractors, subsidiary companies and service providers.

[In such cases where information requested by the requester may impact on a third party, the Information Officer is obliged to comply with the requirements as set out in terms of PAIA (especially Section 71 to 73 of PAIA.)]

3.5. Part 5: Procedure for request for access [Section 51(1)(b)(iv)]

- 3.5.1. The requester must comply with all the procedural requirements as set out in PAIA, relating to the request for access to a record.
- 3.5.2. The requester must complete the prescribed form attached hereto as Appendix 1, and submit along with payment of the request fee (if applicable) and a deposit (if applicable) to the Information Officer at the postal or physical address or electronic mail address under "Part 1" above.

- 3.5.3. The prescribed form must be completed with enough particularity so as to at least enable the Information Officer to identify:
- 3.5.3.1. The records requested;
 - 3.5.3.2. The identity of the requester;
 - 3.5.3.3. Which form of access to the records is required, should the request be granted;
 - 3.5.3.4. The postal address or facsimile number of the requester.
- 3.5.4. The requester must identify the nature of the right for which purposes access to the records is required.
- 3.5.5. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner. If so, he/she must state the manner with full particularity.
- 3.5.6. If the request is made on behalf of another person, then in such event, the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 3.5.7. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer.
- 3.5.8. The requester must pay the prescribed fee (if applicable) before any further processing can take place.
- 3.5.9. Teraco will inform the requester within 30 (thirty) days after receipt of the request of its decision whether or not to grant the request.
- 3.5.10. The 30 (thirty) day period may be extended with a further period of not more than 30 (thirty) days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Teraco, the records are not located at the building of Teraco, or consultations amongst divisions within Teraco or another private body are required.
- 3.5.11. Should the request be granted, the notice must state the access fee (if any) to be paid upon access, the form on which access will be given and further that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, or with the procedure for lodging such application.

3.5.12. Should the request be refused, the notice must state adequate reasons for the refusal, including the provisions of PAIA relied upon, and state 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.

3.6. Part 6: POPI requirements pertaining to the processing of personal information [section 51(1)(c)]

3.6.1. Purpose of processing

In terms of POPI, data must be processed for a specified purpose. The purpose for which data is processed by Teraco will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

3.6.2. Access to personal information

POPI provides that a data subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPI also provides that where the data subject is required to pay a fee for services provided to him/her, the Responsible Party must provide the data subject with a written estimate of the payable amount before providing the service and may require that the Requestor pay a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

POPI provides that a data subject may object, at any time, to the processing of personal information by Teraco, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Appendix 2 and submit it to the Information Officer at the postal or physical address or electronic mail address under "Part 1" above.

A data subject may also request Teraco to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Teraco is no longer authorised to retain in terms of POPI's retention and restriction of records provisions. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address or electronic mail address under "Part 1" above on the form attached hereto as Appendix 3.

3.6.3. Categories of data subjects

Teraco holds information and records on the following categories of data subjects:

- Employees / personnel of Teraco;
- Clients of Teraco;

- Any third party with whom Teraco conducts its business services;
- Contractors of Teraco;
- Suppliers of Teraco; and
- Service providers of Teraco.

(This list of categories of data subjects is non-exhaustive.)

Teraco adheres to the fundamental data subject rights, being:

- Right of access;
- Right to rectification;
- Right to erasure or right to be forgotten;
- Right to restriction of processing;
- Right to be informed;
- Right to data portability;
- Right not to be subject to a decision based solely on automated processing; and
- GDPR Article 21 with regards to the data subject's right to object.

3.6.4. The categories of recipients to whom the information is supplied

Depending on the nature of the data, Teraco may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act No. 89 of 1998);
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA; and
- Subject to the provisions of POPI and the National Credit Act No. 34 of 2005, Teraco may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Teraco operates.

3.6.5. Planned transborder flows of information

If a data subject visits Teraco's websites from a country other than the country in Teraco's servers are located (currently South Africa and Australia (Asset Management and Maintenance System data only)), the various communications will necessarily result in the transfer of information across international boundaries.

Teraco may need to transfer a data subject's information to other group companies or service providers in countries outside South Africa, in which case Teraco will fully comply with applicable data protection legislation. This may happen if Teraco's servers or suppliers and service providers are based outside South Africa, or if Teraco's services are hosted in systems or servers outside South Africa and/or if a data subject uses Teraco's services and products while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa.

3.6.6. Security measures implemented to ensure the confidentiality and privacy of the information which is to be processed

Teraco is committed to implementing leading data security safeguards.

Teraco has specialised security teams who constantly review and improve Teraco's measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure (taking all reasonable precautions to ensure that no persons can be identified from the information released) or destruction.

If Teraco has a contract with another organisation to provide Teraco with services or a service on Teraco's behalf to process a data subject's personal information, Teraco will make sure they have appropriate security measures and only process the information in the way Teraco has authorised them to. These organisations won't be entitled to use a data subject's personal information for their own purposes. If necessary, Teraco's security teams will check them to make sure they meet the security requirements Teraco has set.

Communications over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communications may go through a number of countries before being delivered – as this is the nature of the internet. Teraco cannot accept responsibility for any unauthorised access or loss of personal information that is beyond Teraco's control.

4. Grounds For Refusal of Access To Records [Chapter 4 of PAIA]

4.1. Apart from Section 7 of PAIA, and subject to Section 70 of PAIA, the main grounds for Teraco to refuse a request for information as contemplated by PAIA relates to:

4.1.1. Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (Section 63(1))

4.1.2. Protection of commercial information of a third party as defined by PAIA, if the record contains:

4.1.2.1. Trade secrets of that third party;

4.1.2.2. Financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or

- 4.1.2.3. Information disclosed in confidence to Teraco by a third party, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or would prejudice that third party in commercial competition (Section 64).
- 4.1.3. Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
- 4.1.4. Protection of safety of individuals and protection of property (Section 66);
- 4.1.5. Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
- 4.1.6. Protection of commercial activities of Teraco, which includes:
 - 4.1.6.1. Trade secrets of Teraco;
 - 4.1.6.2. Financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Teraco;
 - 4.1.6.3. Information which, if disclosed, could put Teraco at a disadvantage in negotiations or commercial competition; or
 - 4.1.6.4. A computer programme owned by Teraco, and which is protected by copyright (Section 68).
- 4.1.7. The research information of Teraco or a third party on behalf of Teraco if the disclosure would expose the third party, Teraco, the researcher or the subject matter of the research to serious disadvantage (Section 69).

5. Remedies Available In Refusal of a Request For Information [Part 4 Of PAIA]

- 5.1. Teraco does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
- 5.2. Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 (thirty) days after notification of the refusal apply to a Court for the appropriate relief.
- 5.3. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may within 30 (thirty) days of notification of such decision, apply to a Court for the appropriate relief.

6. Fees

- 6.1. In terms of POPI, a data subject has the right to request Teraco to confirm, free of charge, whether or not it holds personal information about the data subject.
- 6.2. The prescribed fee for requests to private bodies is available on the website of the Information Regulator under the link “access to information/PAIA”.

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:

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D. Particulars of record

- | |
|--|
| <p>(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.</p> <p>(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.</p> |
|--|

1. Description of record or relevant part of the record:

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.....

2. Reference number, if available:

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3. Any further particulars of record:

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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:

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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 below, 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 for access 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)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	YES	NO
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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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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.....

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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

8. APPENDIX 2

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 / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()

9. APPENDIX 3

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 THE 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/E-mail 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/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a)</p> <p>WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b)</p> <p>WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>

Signed at this day of20.....

.....

Signature of data subject/ designated person