



## OUT OF THIS WORLD INTERNET SOLUTIONS

### **ASAP – Promotion of Access to Information Act – Section 51 Manual**

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.

This manual applies in respect of **ASAP Advertising Services And Promotions (PTY) Ltd** (“ASAP”) as set out in this manual and as **ASAP** may change from time to time. The Information Officer named below is appointed in respect of **ASAP** and each of the private bodies constituting **ASAP**.

#### **1. ASAP OVERVIEW**

**ASAP** provides Internet Services and Access to its customers, in the corporate, education, non-profit and home market.

**ASAP** supports the constitutional right of access to information and we are committed to provide you with 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.asap.co.za](http://www.asap.co.za)) 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 or from the Government Printers. This Manual will be updated from time to time, as and when required.

#### **3. HOW TO REQUEST ACCESS TO RECORDS HELD BY ASAP**

Requests for access to records held by ASAP must be made on the request forms that are available from our website and office, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under “regulations”). You can submit a request without paying





## OUT OF THIS WORLD INTERNET SOLUTIONS

the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

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.

Where you know which company in **ASAP** holds the record/s you are requesting, please indicate this fact. Where you are unsure which company holds the record/s please provide as much detail as possible about the record to facilitate our search and to avoid any possible delays.

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 **ASAP**.

**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 **ASAP** 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 **ASAP** 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

<b>Name of Private Body</b>	ASAP
<b>Designated Information Officer</b>	Antony Futter
<b>Email address of Information Officer</b>	<a href="mailto:legal@asap.co.za">legal@asap.co.za</a>
<b>Postal address</b>	P O Box 661, Bothas Hill, 3660, KZN

087 550 1891 | [help@asap.co.za](mailto:help@asap.co.za) | [www.asap.co.za](http://www.asap.co.za) | P.O. Box 662, Bothas Hill, 3660 South Africa



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Individual Electronic Communications Services No. 0199/IECS/JAN/09

Director A.J. Futter | ASAP - Advertising Services And Promotions (Pty) Ltd | Reg. 2000/022917/07 | Vat No. 4650198668



## OUT OF THIS WORLD INTERNET SOLUTIONS

<b>Street address</b>	6 Pine Lane, Bothas Hill, 3610, KZN
<b>Phone number</b>	+27 31 100 1030
<b>Fax number</b>	+27 86 663 3247

### 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](http://www.sahrc.org.za)  
**E-mail:** [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### 5. VOLUNTARY DISCLOSURE

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

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- Companies Act 61 of 1973
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Levies Act 9 of 1999

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## OUT OF THIS WORLD INTERNET SOLUTIONS

- Unemployment Insurance Act 30 of 1966
- Electronic Communications and Transactions Act 25 of 2002.

### 8. RECORDS HELD BY ASAP

**ASAP** 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.

In addition, please note that each company within **ASAP** does not hold records in respect of every category and subject matter listed here. If you are uncertain which entity holds the relevant record, please provide the Information Officer with as much detail as possible to minimise delays.

#### 1. Internal records

The following are records pertaining to **ASAP's** own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of **ASAP**

#### 2. Personnel records

Personnel refers to any person who works for or provides services to or on behalf of ASAP and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of ASAP. 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 ASAP by their personnel;



## OUT OF THIS WORLD INTERNET SOLUTIONS

- Any records a third party has provided to ASAP 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.

### 3. Customer records

**Please be aware that ASAP 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 ASAP or a third party acting for or on behalf of ASAP;

- 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 ASAP 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 ASAP either directly or indirectly; and
- Records generated by or within ASAP pertaining to customers, including transactional records.

### 4. Technical records

- Customer configuration information
- Usage records

### 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 **ASAP**. The following records fall under this category:



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## OUT OF THIS WORLD INTERNET SOLUTIONS

- Personnel, customer or **ASAP** records which are held by another party as opposed to being held by **ASAP**; and
- Records held by **ASAP** 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.

### 6. Other Records

Further records are held including: -

- Information relating to **ASAP's** own commercial activities;
- Research carried out on behalf of a client by **ASAP** or commissioned from a third party for a customer; and
- Research information belonging to **ASAP**, whether carried out itself or commissioned from a third party.

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