

**ECHO SP SA (PTY) LIMITED T/A ECHO SERVICE PROVIDER  
REGISTRATION NUMBER: 2018/103951/07  
("ECHO")**

**MANUAL IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF  
2000  
(THE "ACT")**

**TABLE OF CONTENTS**

**INTRODUCTION AND COMPANY OVERVIEW ..... 2**

**CONTACT DETAILS - SECTION 51(1)(A) ..... 2**

**SECTION 10 OF THE ACT PROVIDES GUIDELINES ON HOW TO USE THE ACT – SECTION 51 (1)(B)..... 2**

**AVAILABILITY OF THIS MANUAL – SECTION 51(3)..... 3**

**APPLICABLE LEGISLATION ..... 3**

**NOTICE IN TERMS OF SECTION 52(2) (SECTION 51(1)(C): ..... 4**

**RECORDS HELD BY ECHO - SECTION 51(1)(E) ..... 4**

**PROCESSING OF PERSONAL INFORMATION..... 6**

**HOW TO REQUEST ACCESS TO RECORDS HELD BY ECHO - SECTION 53 ..... 7**



## INTRODUCTION AND COMPANY OVERVIEW

- This Manual is published in terms of Section 51 of the Promotion of Access to Information 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.
- Echo is an aggregator and integrator of communication and cloud computing services to the South African enterprise market and provides, inter alia, last-mile connectivity, network monitoring and management, Internet services, caching, bandwidth and subscriber management, network security and cloud services to the corporate/enterprise market.
- Echo 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 to third parties and the law of the Republic of South Africa.

## CONTACT DETAILS - SECTION 51(1)(A)

<b>Name of Private Body:</b>	<b>Echo SP SA trading as Echo Service Provider</b>
<b>Designated Information Officer:</b>	<b>Anthony Southgate</b>
<b>Email address:</b>	<a href="mailto:ant@echosp.co.za">ant@echosp.co.za</a> , <a href="mailto:accounts@echosp.co.za">accounts@echosp.co.za</a> and <a href="mailto:info@echosp.co.za">info@echosp.co.za</a>
<b>Postal address:</b>	Postnet Suite 21, Private bag X1, Jukskei Park, 2153
<b>Street address:</b>	1st Floor, Building B, Monte Circle, 178 Montecasino Blvd, Magaliessig, Sandton, 2191
<b>Contact number:</b>	087 310 1700
<b>Website:</b>	<a href="https://www.echosp.co.za/">https://www.echosp.co.za/</a>

## SECTION 10 OF THE ACT PROVIDES GUIDELINES ON HOW TO USE THE ACT – SECTION 51 (1)(B)

- 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 shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.



- Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional rights. The Guide is available from the SAHRC.

- The contact details of the SAHRC are:

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)

### **AVAILABILITY OF THIS MANUAL – SECTION 51(3)**

Copies of this manual are available for inspection at Echo’s offices and copies can be made at a charge of R1,00 per A4 page. Copies are also available on the Echo company website at <https://www.echosp.co.za/> and from the SAHRC.

### **APPLICABLE LEGISLATION**

Records of the Company that are available in accordance with any other legislation (Section 51(1)(d)):

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No.130 of 1993
- Consumer Protection Act No. 68 of 2008
- Currency and Exchanges Act No. 9 of 1933
- Customs and Excise Act No. 91 of 1964
- Electronic Communications and Transactions Act No. 25 of 2002
- Electronic Communications Act No. 36 of 2005
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- National Credit Act No. 34 of 2005
- Occupational Health & Safety Act No. 85 of 1993
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Tax on Retirement Funds Act No. 38 of 1996

- Telecommunications Act No. 103 of 1996 (repealed but regulations still in force)
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value Added Tax Act No. 89 of 1991

#### **NOTICE IN TERMS OF SECTION 52(2) (SECTION 51(1)(C):**

Echo has not published a notice in terms of Section 52(2) of the Act; however, it should be noted that the information relating to Echo and its services are freely available on Echo's website and we set out certain records of Echo which are already publicly available to you. Certain other information relating to Echo is also made available on such website from time-to-time.

- Memorandum of Incorporation – available at the CIPC
- Directors of Echo - available at the CIPC
- Services – Echo website
- Certifications – Echo website
- Section 51 (1) (d) - Records available in terms of applicable legislation as stated above (availability in terms of other legislation does not mean that the records will be available in terms of that legislation or the Act.)

#### **RECORDS HELD BY ECHO - SECTION 51(1)(E)**

Echo 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.

- **Internal records**

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

- memorandum and Articles of Association;
- financial records;
- operational records;
- licences;
- intellectual property;
- marketing records;
- internal correspondence;
- product records;
- statutory records;
- internal policies and procedures; and
- records held by officials of Echo.

- **Personnel records**

Personnel records refers to any person who works for or provides services to or on behalf of Echo and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Echo. 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 Echo by their personnel;
- any records a third party has provided to Echo 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.

- **Customer records**

Kindly take note that Echo 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 Echo or a third party acting for or on behalf of Echo;
- contractual information;
- personal records of customers;
- any records a third party has provided to Echo about customers;
- confidential, privileged, contractual and quasi-legal records of customers;
- any records a third party has provided to Echo either directly or indirectly; and
- records generated by or within Echo pertaining to customers, including transactional records.

- **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 Echo. The following records fall under this category:

- personnel, customer or Echo records which are held by another party as opposed to being held by Echo; and
- records held by Echo 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.

- **Other Records**

Further records are held including: -

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

## **PROCESSING OF PERSONAL INFORMATION**

- Echo may be required to process the personal information of current, past or prospective Customers and employees, job applicants, contractors, directors, officers, shareholders, agents, contractors and service providers of such customers; Suppliers, vendors, sub-contractors, service providers of Echo and employees, representatives, agents, contractors and service providers of such suppliers and service providers; visitors at the premises of Echo; correspondents and enquirers (“Data subjects”).
- The nature of personal information processed in respect of the Data Subjects may include, inter alia, names, identifying numbers, symbols, email addresses, physical addresses, telephone numbers, location information, online identifiers or other particular assignment to the person; biometric information; information relating to the education or the medical, financial, criminal or employment history of the Data Subject; information relating to the race, gender, marital status, national origin, age, disability, language and birth of the Data Subject; the personal opinions, views or preferences of the Data Subject; confidential correspondence sent by the Data Subject; the views or opinions of another individual about the Data Subject.
- Echo processes personal information of Data Subjects for the purposes of:
  - fulfilling its statutory obligations in terms of applicable legislation;
  - verifying information provided to Echo;
  - obtaining information necessary to provide contractually agreed services to a customer (including performing services, feasibility studies, installations etc.);
  - monitoring, maintaining and managing Echo’s contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties;
  - marketing and advertising;
  - resolving and tracking complaints;
  - monitoring and securing the assets, employees and visitors to the premises of Echo; and
  - historical record keeping, research and recording statistics necessary for fulfilling Echo’s business objectives.
- Echo may supply personal information to regulatory, statutory and government bodies; suppliers, service providers, vendors, agents and representatives of Echo; employees of Echo; shareholders and stakeholders; third party verification agencies and credit bureaus; collection agencies and attorneys; banks and other financial institutions.
- Planned or prospective trans-border flows of the personal information processed by Echo or its suppliers in respect of the certain Data Subjects.
- Security measures implemented or to be implemented by Echo to ensure the confidentiality, integrity and availability of the personal information which may be or is being processed by Echo.
  - Echo continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by

having regard to the requirements set forth in law. Echo seeks to carry out regular assessments to (i) identify all reasonably foreseeable internal and external risks to personal information in its possession and control and (ii) verify that safeguards are effectively implemented to secure personal information.

## HOW TO REQUEST ACCESS TO RECORDS HELD BY ECHO - SECTION 53

- Requests for access to records held by Echo must be made on the prescribed “Form C”, available on the SAHRC website at [www.sahrc.org.za](http://www.sahrc.org.za), a copy of which is further attached hereto.
- Requests must be addressed to the Information Officer of Echo and emailed to [ant@echosp.co.za](mailto:ant@echosp.co.za) and [accounts@echosp.co.za](mailto:accounts@echosp.co.za) or sent to the Echo’s offices at the address provided above.
- In your request, kindly Provide sufficient details to enable to identify:
  - the record(s) requested;
  - your details (and if you are an agent, proof of capacity);
  - the form of access required;
  - a postal address, fax number or email address in the Republic;
  - If you wish to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - The right which you are seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- The request will be deemed to have been made once the form, together with the prescribed fee has been received by us. If the amount of the prescribed fee is uncertain, we will advise you of any applicable fees in terms of Section 54 of the Act, which will need to be paid before your request will be processed. The fee structure may also be found at [www.sahrc.org.za](http://www.sahrc.org.za).
- Records may be withheld until the fees have been paid.
- Kindly note that all requests to Echo 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 Echo does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.
- You may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Should you require greater clarity, we refer you to the Guide published by the Human Rights Commission.

## FORM C

**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 <i>ONLY</i> 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
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <ul style="list-style-type: none"> <li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li> <li>(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.</li> <li>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</li> </ul>	

**1. If the record is in written or printed form:**

	copy of			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