Echo SP SA (Pty) Ltd

PAIA Manual in terms of Section 51 of the Promotion of Access to Information PAIA No. 2 of 2000

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echo south africa

interconnecting business, anywhere

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1. Introduction and Purpose

1.1. This manual is published in terms of Section 51 of the Promotion of Access to Information PAIA No. 2 of 2000 ("PAIA"), as amended by POPIA, which obliges private bodies to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual must comply with.

1.2. PAIA gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, (No.108 of 1996), which provides for the right of access to information in Records held by public or private bodies which is required for the protection of any rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in PAIA are applicable

1.3. Echo supports the Constitutional right of access to information, and we are committed to providing you with access to Records in accordance with the provisions of PAIA, while maintaining the confidentiality and complying with the law of the Republic of South Africa.

1.4. Echo is committed to transparency, ensuring that information is readily accessible and empowering individuals while upholding the highest standards of integrity. Echo is dedicated to safeguarding the privacy and confidentiality of personal and sensitive information in accordance with PAIA and POPIA.

1.5. The purpose of this manual is to provide clear guidelines to individuals seeking access to Records held by Echo in accordance with PAIA and the principles of transparency and accountability.

1.6. The inclusion of information beyond the specific requirements of Section 51 of PAIA does not create any additional rights or entitlements to receive such information, other than as provided by PAIA.

2. Company Overview

Echo is an aggregator and integrator of telecommunication and cloud computing services to the South African enterprise market and provides, inter alia, connectivity, cloud, network security, voice and monitoring and management services to enterprises.

3. Definitions and Interpretation

3.1. Definitions

For the purposes of this manual, the terms and definitions provided in the applicable stated below shall, unless the context indicates otherwise, bear the following meanings:

3.1.1. "**Echo**" means Echo SP SA (Pty) Ltd, with registration number 2018/103951/07 and its respective direct and indirect subsidiaries and associate companies, as may be applicable (for the avoidance of doubt, any reference to "we" and/or "us" in this Policy shall mean Echo);

3.1.2. "**Guide**" means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in PAIA and POPIA, as contemplated in section 10 of PAIA;

3.1.3. "**Information Officer**" shall bear the meaning ascribed under POPIA;

3.1.4. "**Information Regulator**" means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

3.1.5. "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

3.1.6. "**Personal Information**" has the meaning ascribed thereto under POPIA;

3.1.7. "**POPIA**" means the Protection of Personal Information Act No. 4 of 2013 including any regulation thereto, as amended;

3.1.8. "**Record**" has the meaning ascribed thereto under PAIA and/or POPIA;

3.1.9. "**Regulator**" means the Information Regulator established in terms of the POPIA;

3.1.10. "**Responsible Party**" has the meaning ascribed thereto under POPIA;

3.1.11. "**Services**" means any services provisioned and/or to be provisioned either by Echo directly or through its agents, affiliates and/or subcontractors including, without limitation, connectivity, cloud, network security, IOT, voice, IAAS, hosting, VPN, hosting, VDC services and/or management services; and

3.1.12. "**Third Party/ies**" means any independent contractor, supplier, sub-contractor, agent, consultant, or otherwise any representative of Echo.

4. Contact Details

Name of Private Body:	Echo SP SA trading as Echo Service Provider
Designated Information Officer:	Grant Thom
Administrative contact:	Don Linklater
Email address:	privacy@echosp.co.za
Postal address:	Postnet Suite 21, Private bag X1, Jukskei Park, 2153
Street address:	1st Floor, Building B, Monte Circle, 178 Montecasino Blvd, Magaliessig, Sandton, 2191
Contact number:	087 310 1700
Website:	https://www.echosp.co.za/

5. Information Regulators Guidelines

5.1. 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 POPIA. This Guide is made available by the Regulator (established in terms of POPIA). Copies of the updated Guide are available from the Regulator free of charge. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 1 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations.

5.2. The guide can be obtained from the Regulator at https://inforegulator.org.za/paia-forms/, alternatively a copy of the Guide is also available for inspection at our offices during normal business hours.

6. Records Held By Echo

Echo maintains Records on the following categories and subject matters. 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 PAIA.

Internal Records	Employee/Personnel Records	Customer Records	Other Parties	Other Records
Internal Records pertain to Echo's own affairs and those of its divisions, subsidiaries and associated companies, including: - ○ Memorandum of Incorporation; ○ 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 includes Records of individuals who work for or provide services to Echo, such as:** ○ 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 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.	**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 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.	**Additional Records held by Echo include, without limitation: -** ○ information relating to Echo's own commercial activities; ○ research carried out on behalf of a customer 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.

7. Processing of Personal Information (Section 51(1)(c))

This section sets out the information required by section 51(1)(c) of PAIA in respect of Echo's Processing of Personal Information as a Responsible Party. Further detail is available in Echo's Privacy Policy at https://www.echosp.co.za/legal/.

7.1. **Purpose of Processing.** Echo Processes Personal Information to:

- conclude and perform agreements with customers, resellers and partners, including feasibility studies, installation, provisioning, support and maintenance of Services;
- bill and collect payment, conduct credit checks and manage customer accounts;
- procure goods and services from suppliers and manage supplier relationships;
- recruit, employ and manage Personnel, including payroll, benefits and statutory reporting;
- secure Echo's premises, networks and systems, including access control, CCTV and system monitoring;
- comply with legal and regulatory obligations, including tax, labour, electronic communications and interception-related obligations;
- market Echo's own services, subject to the direct marketing requirements of POPIA; and
- establish, exercise or defend legal claims.

7.2. **Categories of Data Subjects and Personal Information.** Echo Processes the following categories of Personal Information relating to the following categories of Data Subjects:

- **Customers, resellers and partners** (natural and juristic persons) and their representatives: names, contact details, identity and registration numbers, billing and banking details, credit information, service and usage records, support correspondence, and technical information such as IP addresses and device identifiers;
- **Personnel** (employees, contractors and job applicants): identity and contact details, CVs and qualifications, employment and remuneration records, banking and tax details, performance and disciplinary records, health information for leave and benefits, race for employment equity reporting, criminal record checks where applicable, and biometric access information (with consent);
- **Suppliers and service providers** and their representatives: names, contact details, registration and tax numbers, banking details, B-BBEE and contractual information;
- **Website and customer portal users:** contact form details, login data, IP addresses and cookie data;
- **Visitors to Echo's premises:** names, contact details, vehicle details, access records and CCTV images; and

- **End users of Echo's customers:** Personal Information contained in customer data that Echo hosts, transmits or manages on a customer's behalf. In these cases Echo acts as an Operator and the customer is the Responsible Party.

7.3. **Recipients.** Personal Information may be supplied to Echo's Operators and service providers (including cloud hosting, customer relationship management and billing, payroll and human resources, IT support and security providers); network and carrier partners involved in delivering Services; credit bureaus and debt collectors; professional advisers and auditors; insurers; companies in the Echotel group; and government, regulatory and law enforcement bodies where required by law.

7.4. **Planned transborder flows.** Some of Echo's service providers, including providers of cloud productivity, email and document storage services, may store or process Personal Information outside South Africa. Personal Information may also be shared with Echotel group companies and international carriers or vendors where this is needed to deliver Services. Echo transfers Personal Information outside South Africa only in accordance with section 72 of POPIA.

7.5. **Security measures.** Echo implements technical and organisational measures appropriate to the risks, including role-based access control and multi-factor authentication on critical systems, encryption of data in transit and at rest where supported, endpoint protection on company devices, firewalls and network monitoring, backups, written agreements with Operators, confidentiality undertakings and regular POPIA and cyber-security awareness training for Personnel, and an incident response and breach notification process.

7.6. **Objections and correction requests.** A Data Subject may object to the Processing of their Personal Information using Form 1, and request the correction or deletion of Personal Information using Form 2, prescribed under the Regulations relating to the Protection of Personal Information, 2018. The forms are available at https://inforegulator.org.za/popia-forms/ and may be sent to privacy@echosp.co.za.

8. Automatically Available Information

8.1. Echo has not published a notice in terms of Section 52(2) of PAIA; however, certain information relating to Echo is freely available on Echo's website, and some Records are publicly available from other public sources:

- Directors of Echo (CIPC)
- Services (Echo website)
- Certifications (Echo website)
- marketing and promotional materials (Internet/Social media)
- press releases (Internet); and
- publications (Internet/Social media).

8.2. Section 51 (1) (d) - Records available in terms of applicable legislation as stated below (availability in terms of other legislation does not mean that the Records will be available in terms of that legislation or PAIA.)

9. Applicable Legislation

Records of the Company that are available in accordance with any other legislation, include, but are not limited to:

- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- 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
- Cybercrimes Act No. 19 of 2020
- 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
- The Protection of Personal Information Act 4 of 2013
- 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
- Tax Administration Act No. 28 of 2011
- 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

10. How to Request Access to Records held by Echo

10.1. Requests for access to Records held by Echo must be made on the prescribed "Form 2", available from the Regulator at https://inforegulator.org.za/paia-forms/ or at InfoRegSA-PAIA-Form02-Reg7.pdf.

10.2. Requests must be addressed to the Information Officer of Echo and emailed to privacy@echosp.co.za or delivered to Echo's offices at the address provided above.

10.3. In your request, kindly provide sufficient details to enable us 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, street address, 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.

10.4. The request will be deemed to have been made once the Form 2, 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 PAIA, which will need to be paid before your request will be processed. The applicable fee structure is prescribed in terms of the PAIA Regulations and may be obtained from the Information Regulator (www.inforegulator.org.za).

10.5. Records may be withheld until the fees have been paid.

10.6. All requests to Echo will be evaluated and considered in accordance with PAIA. 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 PAIA.

10.7. You may lodge an application with a court in terms of Section 78 of PAIA to challenge the tender/payment of the requested fee and/or deposit.

10.8. Should you require greater clarity, we refer you to the Guide published by the Regulator.

11. 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/.

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 *(when made on behalf of another person)*				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made *(if applicable):*				
Identity Number				
Postal Address				

Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD
*(Mark the applicable box with an "**X**")*

Record is in written or printed form	
Record comprises virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
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 *(Mark the applicable box with an "**X**")*	
Printed copy of record *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	
Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
Transcription of soundtrack *(written or printed document)*	
Copy of record on flash drive *(including virtual images and soundtracks)*	
Copy of record on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

MANNER OF ACCESS *(Mark the applicable box with an "**X**")*	
Personal inspection of record at registered address of public/private body *(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)*	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language *(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)*	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *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.*	
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) A request fee must be paid before the request will be considered. *b) You will be notified of the amount of the access fee to be paid.* *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	

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** ***(Please specify)***

Signed at _____ this _____ day of _____ 20 _____

_____

Signature of Requester / person on whose behalf request is made

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FOR OFFICIAL USE

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

_____

Signature of Information Officer