

**123 NET CPT (PTY) LTD T/A 123NET**  
**PROMOTION OF ACCESS TO INFORMATION ACT**  
**SECTION 51 MANUAL**

**1. Introduction**

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 of the Republic of South Africa, No. 108 of 1996, 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.

**2. 123 NET CPT (PTY) LTD OVERVIEW**

123 NET CPT (Pty) Ltd (“123Net”) supplies a variety of technology and data solutions via a fibre optic network. These services are applied to provide high value solutions for both private and enterprise clients.

123Net supports the constitutional right of access to information and is committed to providing access to its records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

**3. availability of this manual**

A copy of this Manual is available on the 123Net website (<https://123net.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.

**4. how to request access to records held by 123Net**

Requests for access to records held by 123Net 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”).



A request fee may be payable. The schedule of fees can be made available upon request. You can submit a request without paying 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.

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 123Net.

The standard form that must be used for the making of requests can be provided by emailing [office@123net.co.za](mailto:office@123net.co.za). 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 123Net 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 123Net does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

## 5. Contact details

Name of Private Body	123 NET CPT (Pty) Ltd
Designated Information Officer	Milen Raykovski
Email address of Information Officer	<a href="mailto:office@123net.co.za">office@123net.co.za</a>
Postal address	PO BOX 701097, OVERPORT, DURBAN 4067
Street address	UMHLANGA CENTRE, SUITE 3A, 185 RIDGE ROAD , UMHLANGA ROCKS, DURBAN, SOUTH AFRICA
Phone number	078-139-9078
Fax number	086-585-1270



## 6. HOW TO ACCESS The Guide as described in section 10 of the Act

The Guide described in Section 10 of the Act is 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)

## 7. VOLUNTARY DISCLOSURE

123Net has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to 123Net and its services is freely available on 123Net's website. Certain other information relating to 123Net is also made available on 123Net's 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.

## 8. 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, No. 61 of 1973
- Income Tax Act, No. 58 of 1962
- Value Added Tax Act, No. 89 of 1991
- Labour Relations Act, No. 66 of 1995
- Basic Conditions of Employment Act, No. 75 of 1997
- Employment Equity Act, No. 55 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Insurance Act, No. 30 of 1966
- Electronic Communications and Transactions Act, No. 25 of 2002.
- Telecommunications Act, No. 103 of 1996
- Electronic Communications Act, No. 36 of 2005
- ICASA Act, No. 13 of 2000
- Film and Publications Act, No. 65 of 1996



- Regulation of Interception of Communications and Provision of Communication-related Information Act, No. 70 of 2002

## 9. records held by 123Net

123Net 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.

## 10. Internal records

The following are records pertaining to 123Net'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;
- Records held by officials of 123Net.

## 11. Personnel records

Personnel refers to any person who works for or provides services to or on behalf of 123Net and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of 123Net. 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 123Net by their personnel;
- Any records a third party has provided to 123Net 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.



## 12. Customer records

**Please be aware that 123Net 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 123Net or a third party acting for or on behalf of 123Net;
- 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 123Net 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 123Net either directly or indirectly; and,
- Records generated by or within 123Net pertaining to customers, including transactional records.

## 13. 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 123Net. The following records fall under this category:

- Personnel, customer or 123Net records which are held by another party as opposed to being held by 123Net; and,
- Records held by 123Net 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.

## 14. Other Records

Further records are held including:-

- Information relating to 123Net's own commercial activities; and



- Research carried out on behalf of a client by 123Net or commissioned from a third party for a customer;
- Research information belonging to 123Net, whether carried out itself or commissioned from a third party.