

SECTION 51 MANUAL FOR The Wireless Application Service Providers' Association ("WASPA")

WASPA's mission is to provide a non-profit forum in which members can address issues of common interest and interface with industry stakeholders, network operators, government and regulatory organisations, both locally and internationally so that end-users receive world-class service and industry participants earn a fair return on their investments.

1. Contact details Section 51(1)(a)

Name of Business :	Wireless Application Service Providers' Association
Name of Contact Person :	Jacqueline Deale
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Email :	info@waspa.org.za

2. The section 10 Guide on how to use the Act Section 51(1)(b)

The Guide will be available from the South African Human Rights Commission

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
E-mail:	PAIA@sahrc.org.za

3. Records available in terms of any other legislation Section 51(1)(d)

Information is available in terms of the following legislation, if and where applicable, which includes but is not limited to:

Electronic Communications and Transactions Act No. 25 of 2002
Income Tax Act No. 58 of 1962
Intellectual Property Laws Amendments Act No. 38 of 1997
Promotion of Access to Information Act No. 2 of 2000
Value Added Tax Act No. 89 of 1991

4. Access to the records held by the private body in question

- i.** The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) **Section 51(1)(c)**

Not applicable

ii. Records that may be requested Section 51(1)(e)

The **WASPA** 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 the **WASPA's** own affairs:

- Constitution
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Internal policies and procedures;
- Records held by officials of the **WASPA**.

Personnel records

The **WASPA** does not have any employees and the WASPA's office-bearers, consultants and outsourced secretariat attended to all necessary functions of the association. Personnel refers to any person who works for or provides services to or on behalf of the **WASPA** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the **WASPA**. This includes, without limitation, office-bearers, consultants, outsourced service providers and contract workers. Personnel records include the following:

- Any personal records provided to the **WASPA** by their personnel;
- Any records a third party has provided to the **WASPA** about any of their personnel;
- Personnel-related contractual and quasi-legal records; and
- Other internal records and correspondence.

Member records

Member records includes the following:

- Any records a member or candidate member has provided to the **WASPA** or a third party acting for or on behalf of the **WASPA**;
- Contractual information;
- Any records a third party has provided to the **WASPA** either directly or indirectly; and
- Records generated by or within the **WASPA** pertaining to members and/or candidate member, including transactional records.

Other Records

Further records are held including:-

- Information relating to the **WASPA's** own activities;
- The **WASPA's** code of conduct for its members;
- Research carried out on behalf of its members by the **WASPA**, or commissioned from a third party for such members; and
- Research information belonging to the **WASPA**, whether carried out itself or commissioned from a third party.

iii. Request procedures - Appended

5. Other information as may be prescribed Section 51(1)(f)

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual Section 51 (3)

The manual is also available for inspection at the offices of the relevant private body free of charge; or on our website at www.waspa.org.za and copies are available with the SAHRC or from their website www.sahrc.org.za, or the Department of Justice and Constitutional Development www.doj.gov.za (under "regulations")

REPRODUCTION FEES

Where an institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
•For every photocopy of an A4-size page or part thereof	1,10
•For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
•For a copy in a computer-readable form on:	
- 3,5" magnetic disc	7,50
- Optical compact disc	70,00
•A transcription of visual images, for an A4-size page or part thereof	40,00
•For a copy of visual images	60,00
•A transcription of an audio record, for an A4-size page or part thereof	20,00
•For a copy of an audio record	30,00

Request fees:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
1For every photocopy of an A4-size page or part thereof	1,10
2For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
•For a copy in a computer-readable form on	
- 3,5" magnetic disc	7,50
- Optical compact disc	70,00
•A transcription of visual images, for an A4-size page or part thereof	40,00
•For a copy of visual images	60,00
•A transcription of an audio record, for an A4-size page or part thereof	20,00
•For a copy of an audio record	30,00
•To search for a record that must be disclosed (- per hour or part of an hour reasonably required for such search.)	30,00
•Where a copy of a record needs to be posted the actual postal fee is payable.	

Deposits:

Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER
FORM B
REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)
(Regulation 4)

A.Particulars of Private Body

The Information Officer: in respect of _____ (specify company, if applicable)

B.Particulars of Person requesting access to the record

- (a) The particulars of the person who requests access to the records must be recorded below.
(b) Furnish an address and/or fax number in the Republic to which information must be sent.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____

Fax Number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C.Particulars of person of 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: _____

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 the Record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the 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 of the request fee.
(c) The **fee payable for access** to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee (if any):

F. Form of Access to the 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:
_____	_____
_____	_____

Mark the appropriate box with an "X"

NOTES:

- (a) Your indication as to the required form of access depends 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 the 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 the 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 the 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 * (3,5" magnetic or optical 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?			☐ YES ☐ NO
A postal fee is payable.			

G. Particulars of right to be exercised or protected:

If the provided space is inadequate, please continue of 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 requested record is required for the exercising or protection of the aforementioned right:

•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 thereof 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
