

CMC Networks (Pty) Ltd



Information Manual

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000

Hereinafter referred to as 'CMC'

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Author: CMC Networks Management Committee

Authorised by: Managing Director

Endorsed and accepted by: CMC Information Officer

1. Introduction

Information Manual

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000

CMC is a privately owned proprietary business with registered offices in Johannesburg South Africa.

Since inception as a small Information Technology company in 1988, the development of CMC has followed a carefully managed development and organic growth.

Based on the core philosophy of building well-defined businesses focused on serving the needs of select market niches, CMC's steady expansion in the years since then has been firmly founded in the recognition of a clearly defined strategy for CMC.

An essential foundation of CMC's business vision is that it does not seek to be all things to all people. CMC's core philosophy has been to develop well-defined, value-added businesses focused on serving the needs of select market niches where CMC can compete effectively, through sustainable customer centric focus. CMC has concentrated on building skill depth as opposed to breadth, entrenching and expanding its position in its critical services, namely:





Internet Service Provider (ISP)





Security Services Provider (MSSP)





valid ECN license from ICASA





d outsourcing





and Helpdesk services





Recovery and business continuity services





Services





d ASP services (Application Service Provider)





of VoIP solutions

These business units are effectively managed as autonomous yet intrinsically integrated business segments, enabling them to remain focused on trends and dynamics within their particular industries.

Notwithstanding, as a result of the integrated characteristics of their target markets and activities, a strong synergy exists between each business unit to ensure clients benefit as a whole from dealing with the broader CMC. Supplementing CMC's services is a common focus consisting of CMC's vision, culture, mission and philosophies. This helps the business segments to operate as an integrated organization.

2. Basic Company Information

CMC Head Office:	4B Naivasha Road Sunninghill Park Sandton
Postal Address	PO Box 784125 Sandton 2146
Telephone Facsimile Website	(2711) 5178400 (2711) 5178406 http://www.cmcnetworks.net/
Electronic E-Mail address	Info51@cmcnetworks.net
Information Officer	Mr. Geoff Dornan. Mr. Dornan is the duly authorized Information Officer of CMC Networks (Pty) Ltd, as appointed by the CEO, Mr. Grant Walker.
Managing Director	Mr. Anton Starling
Registration Number	2002/014448/07
VAT Registration Number	4380153793
Branches	Cape Town, Durban: South Africa Dubai: UAE

3. Background Information to the Information ACT

1.

BACKGROUND TO PROMOTION OF ACCESS TO INFORMATION ACT

Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa, No.108 of 1996 ("the Constitution") provides that everyone has the right of access to any information:

- (a) held by the State; and
- (b) held by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, No 2 of 2000 ('the Act') was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State, and any information held by another person that is required for the exercise or protection of any right. Where a request is made in terms of the Act, the public body to which the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.**

Where a request is made in terms of the Act 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 the Act are applicable.** The Act sets out the requisite procedural issues attached to information requests. In terms of Section 51 of the Act CMC is required to compile a Manual, which provides information as prescribed in the Act.

2.

PURPOSE OF THE MANUAL

This manual is intended to foster a culture of transparency and accountability within the Financial Services Industry by giving effect to the right to information held by a private body that is required for the exercise or protection of any right, and actively promoting a society in which the people of South Africa have access to information to enable them to exercise and protect their rights.

Section 9 of the Act, recognises that justifiable limitations of the right to access may be permitted. Such justifiable limitations include but are not limited to:

- Reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance;

The manual provides a generic format, which will enable requesters to obtain the records, which they are entitled to under the Act in a quick and accessible manner.

3.

PART 1

3.1.

Contact Details And General Information - (Section 51(1)(A))

Name of Body

CMC Networks (Pty) Limited - Registration Number: 2002/014448/07

Chief Executive Officer :

Mr. Grant Walker

Physical Address :

4B Naivasha Road Sunninghill Park Sandton
Gauteng South Africa

Postal Address :

PO Box 784125
Sandton
2146

Telephone Number :

(2711) 5178400 (Main Switchboard)

Facsimile :

(2711) 5178406

Website :

www.cmcnetworks.net

3.2.

Contact Details Of The Information Officer - (Section 51(1)(B))

As appointed by the Head of CMC:

The information officer :

Mr. Geoff Dornan (Chief Operations Officer)

Postal Address :

PO Box 784125
Sandton
2146

Physical Address :

4B Naivasha Road Sunninghill Park Sandton
Gauteng South Africa

Tel: (2711) 5178400

Fax: (2711) 5178406

Email: info51@cmcnetworks.net

Deputy information Officer :

Mr. Aleks Rudy
Technical Director

Postal Address :

PO Box 784125
Sandton
2146

Physical Address :

4B Naivasha Road Sunninghill Park Sandton

Gauteng South Africa

Tel: (2711) 5178400

Fax: (2711) 5178406

Email: info51@cmcnetworks.net

4.

PART 11

Guide of South African Human Rights Commission

The South African Human Rights Commission has as yet not printed the guide as contemplated in Section 10 of the Act. The Guide will include information as may reasonably be required by a person who wishes to exercise any right as contemplated in the Act and accordingly:

contains information on how to use the Act includes:

- ▲ the objects of the Act
- ▲ particulars of every public and private body
- ▲ the manner and form for requests
- ▲ contents of the Regulations promulgated under the Act will be updated and published every two years will be available by no later than August 2003

The guide can be requested directly from the South African Human Rights Commission as per the following contact details:

The South African Human Rights Commission

The PAIA Unit (Research and Documentation Department)

Postal Address
Private Bag X2700,
Houghton,
2041

Tel: (2711) 484 8300

Fax: (2711) 4841360

Website: www.sahrc.org.za

E-mail : paia@sahrc.org.za

5.

PART 111

Description Of The Subjects And Records Of CMC Available In Terms Of Any Other Legislation To Members Of The General Public - (Section 51 (1)(d))

It is recorded that the accessibility of the documents herein below, may be subject to the grounds of refusal set out hereinafter. The documents as listed are

not automatically readily available and every request will be reviewed on its merits.

All information readily available may be obtained from the CMC Website at www.cmcnetworks.net

5.1






CMC Networks

5.1.1

Agendas for meetings
Annual Financial Statements
Asset registers. Moveable and non-moveable
BEE Policies
Benefit arrangements – rules and records
Corporate Policies and procedures
Correspondence from CMC
Correspondence with other parties
Correspondence with the Accountants
Credit Application forms
Director Salaries
Due Diligence Documentation
Electronic code of conduct for employees

Employee non-disclosure agreements
Employee salaries and wages
Employees vested with power of attorney for agreements
Employment contracts
Employment equity status
Fees and copy invoices
File notes

Financial agreements:

-  Loans
-  Mortgage loans
-  Notarial bonds
-  Overdrafts
-  Overseas interests

Financial and accounting principles
Forecast documentation
Forms and applications
Human Resource policies
Individual performance development plans

Industry and research reports

Insurance policies
Legal Correspondence
Legal Documents and contracts. (Non-disclosure agreements)
Management committee meeting minutes
Medical aid
Memorandum of Articles of Association
Models and presentation documents
Payroll records
PDI policies
Pensions and provident funds

Permits or licenses held
Personnel Files

Press releases and other related public material
Proposals and marketing documentation
Registered trademarks, copyrights, patents and domain names
Retirement funds – rules and records
Schedule of Services contingent to terms and conditions
Shareholder agreements
Standard letters and notices
Standard Terms and conditions of Agreements
Taxation Records
Training policies
Underwriting agreements

6.

6.1.

DESCRIPTION OF RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1)(D))

Companies Act 61 of 1973

(a)

All documents of incorporation of CMC are lodged at the offices of the Registrar of Companies, and may be inspected there. The documents include the memorandum and articles of association of each company comprising of CMC, as well as the relevant forms.

(b)

The register of members and register of transfer (of members), pledges and bonds of each company comprising of CMC are available for inspection at the registered office of the relevant company.

(c)

Special resolutions are lodged with the Registrar of Companies, and are therefore available for inspection.

(d)

A register of the directors' and officials' interests in contracts entered into by each company comprising of CMC is kept at the registered office of the relevant company, and is available for inspection.

6.2.

As designated employers, CMC has lodged copies of employment equity plans at the Department of Labour in terms of the Employment Act no 55 of 1998

7.

PROCEDURE OF HOW CAN RECORDS BE OBTAINED (MANNER OF ACCESS) - (SECTION 51(1)(E))

7.1.

The requester must comply with all the procedural requirements as set out in the Act relating to the request for access to a record

7.2.

The requester must complete the prescribed form to make the request and submit same as well as payment of a request fee and a deposit (if applicable), to the Information Officer or Deputy Information Officer at the postal, physical address, fax number or electronic mail address as noted in Part 1 3.2. (See Annexure A)

7.3.

The prescribed form must be completed with sufficient information to enable the Information Officer to identify:

- (a) the record or records requested; and
- (b) (b) the identity of the requester
(s53(2)(a), (b), (c))

7.4

The requester should indicate which form of access is required and to specify a postal address or fax number of the requester within the Republic.

7.5.

The prescribed form should also contain the postal address or fax number of the requester.

7.6.

The requester must state that he/she requires the information in order to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. The requester must state clearly and specifically why the record is necessary to exercise or protect a right. (s53(2)(d))

7.7.

CMC is required to process the request within 30 days, unless special circumstances exist which dictate that the time period may be extended.

7.8

If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of the request.

7.9

The requester shall be advised whether access was granted or denied. If the requester requires reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

7.10

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer. (s53(2)(f))

7.11.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such request may be oral.

7.12.

The requester must pay the prescribed fee before any processing of information can take place.

7.13.

All information as listed in 7.3. to 7.5. above should be provided **and failing which the process will be delayed until the required information is provided**. The prescribed time periods will not commence until the requester has furnished all the necessary information.

7.14.

The Information Officer must sever a record, if possible, and grant access only to that portion which the law does not prohibit access to.

8.

PRESCRIBED FEES - (CHAPTER 3 SECTION 54 SEE ANNEXURE B)

8.1.

The Act provides for two types of fees, namely:

(a)

A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

(b)

An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the body in obtaining and preparing a record for delivery to the requester.

8.2.

When a request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request. (s54(1)).

Information may be withheld until the request fee and the deposit (if applicable) have been paid.

8.4.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

8.5.

If the request has been granted then an access fee must be paid for the search, reproduction, preparation of the requested records, and for any time that has

exceeded the prescribed hours to search and prepare the record for disclosure. (s54(6))

9.

INFORMATION OR RECORDS NOT FOUND

9.1.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

9.2

The affidavit or affirmation shall provide full details of all the steps taken to find the record or to determine its existence, including details of all communications by the Information Officer with every person who conducted the search.

This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access.

The attention of the requester is drawn to the provisions of Chapter 4; Part 3 of the Act in terms of which CMC **may** refuse, on certain specified grounds, to provide information to a requester.

10.

INFORMATION REQUESTED ABOUT A THIRD PARTY

10.1

Chapter 5; Part 3 of the Act specifies the procedure regarding a request for information or records about a third party

10.2

In considering such a request, CMC will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him that he may make written or oral representations to the Information Officer why the request should be refused, or give written consent for the disclosure of the record.

11.

GROUNDS FOR REFUSAL OF A REQUEST

A private body such as CMC is entitled to refuse a request for information on the following grounds:

11.1.

Section 63 provides for the mandatory protection of the privacy of a third party who is a natural person, including a deceased person which would involve the unreasonable disclosure of personal information of that natural person.

11.2.

Section 64 provides for the mandatory protection of the commercial information of a third party, if the record contains:

- trade secrets of that third party

- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- information disclosed in confidence by a third party to the private body, if such disclosure could put that third party at a disadvantage in negotiations or commercial competition;

11.3.

Section 65 provides for the mandatory protection of confidential information of third parties if such disclosure would constitute a breach of a duty of confidence owed to such third party in terms of any agreement;

11.4.

Section 66 provides for the mandatory protection of the safety of individuals and the protection of property;

11.5.

Section 67 provides for the mandatory protection of records, which would be regarded as privileged in legal proceedings;

11.6.

Section 68 provides for protection of the commercial activities of a private body such as CMC, which may include:

- trade secrets of CMC;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of CMC;
- information which, if disclosed, could put CMC at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by CMC and which is protected by copyright

11.7.

Section 69 provides for the protection of research information of the CMC or a third party, if its disclosure would place CMC, the third party or the subject matter of the research at a serious disadvantage;

ALL REQUESTS WILL BE ASSESSED ON THEIR OWN MERITS AND IN ACCORDANCE WITH THE APPLICABLE LEGAL PRINCIPLES AND LEGISLATION.

12. REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED

12.1

Internal Remedies

CMC does not have internal appeal procedures. The decision by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response of the Information Officer

12.2

External Remedies

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to Court for appropriate relief. A third party who is dissatisfied with an Information Officers decision to disclose information may within 30 days apply to a court for appropriate relief. The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Court, and which is presided over by a designated magistrate.

13.

CMC will update this manual at such intervals as may be deemed necessary

