

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, 2000

FOR

ATC SOUTH AFRICA WIRELESS INFRASTRUCTURE PROPRIETARY LIMITED
AND ATC SOUTH AFRICA INVESTMENT HOLDINGS PROPRIETARY LIMITED

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1. Introduction

1.1 ATC South Africa Wireless Infrastructure Proprietary Limited ("**ATC SA Wireless**") is the South African operating company of American Tower Corporation. ATC SA Wireless is an independent owner and operator of shared wireless telecommunications infrastructure. ATC South Africa Investment Holdings Proprietary Limited ("**ATC SA Holdings**") is the South African investment holding company of ATC SA Wireless. ATC SA Wireless and ATC SA Holdings are collectively referred to as '**ATC SA**' in this manual and this manual relates to records held by either or both of these two companies.

1.2 This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, 2000 ("**PAIA**"). ATC SA Wireless and ATC SA Holdings are private bodies as contemplated in PAIA and this manual contains the information specified in section 51(1) of PAIA, which is applicable to private bodies.

2. Contact details

The chief executive officer of both ATC SA Wireless and ATC SA Holdings is Anne McLaren, who has authorised Simon von Helden, the executive head of legal of ATC SA, to act as the ATC SA's information officer ("**Information Officer**"). The contact details of Simone von Helden are as follows:

Street Address:	3rd Floor, Block C Monte Circle 64 Montecasino Boulevard Fourways
Postal Address:	P O Box 650667 Benmore Gauteng 2010
Telephone:	+27 10 003 8800
Fax:	+27 11 784 2002
Email:	simone.von.helden@americantower.com

3. The Section 10 Guide on how to use PAIA

3.1 A guide to assist persons wishing to exercise any rights in terms of PAIA is available at the offices of the Information Regulator and on www.inforegulator.org.za as prescribed by Section 10 of PAIA and in accordance with the Protection of Personal Information Act, 2013 ("**POPIA**"). From 1 July 2021, please direct any queries regarding this guide to:

The Information Regulator:
The Research and Documentation Department

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O. Box 31533,
Braamfontein,
Johannesburg,
2017
Tel: +27 11 23 5200
email (PAIA complaints): PAIAComplaints@infoeregulator.org.za
email (general enquiries): enquiries@infoeregulator.org.za

4. Information available without a request

Information that is automatically available without having to make a request in the prescribed form is freely available on the internet website of ATC SA at <https://atcsouthafrica.co.za/en/> . This information includes:

- description of business and services; and
- health, safety and environmental corporate policy.

5. Records available in terms of other legislation

Certain records of ATC SA are available in terms of legislation other than PAIA. The specific records which are held in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons or in the circumstances specified in the relevant legislation. The legislation is as follows:

- 5.1 Companies Act, 2008;
- 5.2 Basic Conditions of Employment Act, 1997;
- 5.3 Employment Equity Act, 1998;
- 5.4 Labour Relations Act, 1995;
- 5.5 Compensation for Occupational Injuries and Diseases Act, 1993;
- 5.6 Occupation Health and Safety Act, 1993;
- 5.7 Income Tax Act, 1962;
- 5.8 Value Added Tax Act, 1991;
- 5.9 Customs and Excise Act, 1964;
- 5.10 Electronic Communications and Transactions Act, 2002;
- 5.11 Unemployment Insurance Act, 2001;
- 5.12 Unemployment Insurance Contributions Act, 2002;
- 5.13 Skills Development Act, 1998;
- 5.14 Skills Development Levies Act, 1999; and

5.15 National Environmental Management Act, 1998.

6. Subject and categories of records held by ATC SA

ATC SA maintains records on the following subject matters and categories in respect of such subjects. 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.

Subjects	Description of categories of records
<u>Company secretarial</u>	Memorandum of incorporation
	Record of directors
	Notice and minutes of all shareholders' meetings
	Written communications sent to shareholders
	Minutes of all meetings and resolutions of directors and committees
	Securities register
	Record of auditors
	Shareholders' agreement
	Share certificates
	Delegations of authority
<u>Administration and general business</u>	Minutes of management meetings
	General correspondence
	Operational records
	Regulatory approvals, registrations, permits and licenses
	Insurance policies
	Litigation records
<u>Financial and accounting</u>	Financial statements and management accounts
	Journals and ledgers
	Stock records
	Asset registers
	Debtors records
	Bank statements
	Invoices
	Tax records

	Audit records and reports
	Credit/debit notes
<u>Human Resources</u>	Employment contracts
	Personnel records including personal details, disciplinary records and performance records
	Employee tax information
	Records of Unemployment Insurance Fund contributions
	Payroll records
	Health and safety records
	Medical aid information
	Provident fund information
	Disciplinary code and procedure
	Grievance procedure
	Employee policies and procedures
	Work permits
	Training records
	Recruitment records
<u>Services / Operations</u>	Lease and collocation agreements with customers
	Site documentation, including technical drawings
	Lease and access agreements with ground lessors
	Correspondence with customers
	Correspondence with landlords
	Pricing lists and pricing information
	Site acquisition agreements
	Building permits
	Tender submissions
	Marketing presentations and material
<u>Property</u>	Lease agreements
<u>Supplier and services records</u>	Agreements with suppliers
	Agreements with service providers, including security and maintenance services
<u>Information technology</u>	Business and date information
	IT capabilities
	Systems and user manuals

	Software licenses
	Supplier contracts
	Equipment lease agreements
	Domain and website information
<u>Intellectual Property</u>	Registered trademarks and applications

7. Description of personal information processing in terms of POPIA

ATC SA processes personal information as follows:

Subject	Category
Purpose of the processing	<ul style="list-style-type: none"> • Sale of products and services • To market products and services to clients • To comply with statutory obligations • Customer and stakeholder relations purposes • To conduct market research surveys • Security, administrative and legal purposes • To fulfil contractual obligations that we have with clients or third parties
Data subject categories and their personal information	<p>Employees: record of employee life cycle</p> <p>General public: general enquiries and viewing the company website</p> <p>Industry bodies: membership records</p> <p>Media: records of media interactions</p> <p>Service providers / suppliers: record of service provider / supplier life cycle</p> <p>Landowners and clients: record of landowner and client life cycle</p>
Recipients of personal information	<p>Employee pension funds</p> <p>Financial institutions</p> <p>Industry bodies</p> <p>Law enforcement</p> <p>Medical aid schemes</p> <p>Operators (service providers)</p> <p>Statutory authorities</p>
Expected transnational transfer of personal information	<p>Transfer of personal information to operators</p> <p>Transfer of personal information to other members in the group</p> <p>Transfer of personal information through social media platforms</p>

Security measures to protect personal information	Physical security measures <ul style="list-style-type: none"> • Access control measures • Internal security measures Cyber security measures <ul style="list-style-type: none"> • Anti-spam measures • Anti-virus measures • Installing security firewalls • Password control Training programs on information security Information security audits IT-related company policies
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For more information on how we process personal information, please refer to our privacy policy available at <https://atcsouthafrica.co.za/en/privacy/index.html>

8. Request procedures

- 8.1 A request for access to records held by ATC SA in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form C). A copy of the form is provided in paragraph 11 below. The prescribed request form is available from the ATC SA's Information Officer, whose contact details are set out in paragraph 2 above, and from the Information Regulator, whose contact details are set out in paragraph 3.1 above.
- 8.2 The request must be made to ATC SA at its address or email address specified in paragraph 2 above.
- 8.3 A person or entity requesting access to records (“**a requester**”) must provide sufficient detail on the prescribed form to allow ATC SA to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to ATC SA. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 8.4 The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by ATC SA and to explain why the particular record or records requested is required for the exercise or protection of that right.
- 8.5 ATC SA is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of ATC SA’s decision in another manner as well, this manner

must be set out in the request and the relevant details included, in order to enable ATC SA to inform the requester in the preferred manner.

- 8.6 If the record you have requested exists and allowing access to it does not affect a third party your request will be processed within 30 days.
- 8.7 This period may be extended once for a further 30 days if:
- 8.7.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of ATC SA;
 - 8.7.2 the request requires a search for records in, or collection thereof from, an office of ATC SA not situated in the Johannesburg office of ATC SA and this search cannot reasonably be completed within the original 30 days;
 - 8.7.3 consultation among offices of ATC SA or with another private body is necessary or desirable to decide upon the request and this consultation cannot reasonably be completed within the original period;
 - 8.7.4 more than one of the circumstances contemplated in paragraphs 8.7.1, 8.7.2 and 8.7.3 exist in respect of the request making compliance with the original period not reasonably possible; or
 - 8.7.5 the requester consents in writing to such extension.
- 8.8 There are various grounds upon which a request for access to a record may be refused. They include:
- 8.8.1 the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 8.8.2 the protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 8.8.3 refusing access to a record if disclosure would result in the breach of a duty of confidence owed to a third party;
 - 8.8.4 refusing access to a record if it would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - 8.8.5 refusing access to a record that was produced during legal proceedings, unless that legal privilege has been waived;
 - 8.8.6 refusing access to a record containing trade secrets, financial or sensitive information or any information that would put ATC SA at a disadvantage in negotiations or prejudice it in commercial competition; and
 - 8.8.7 refusing access to a record containing information about research being carried out or about to be carried out on behalf of a third party or by ATC SA.

- 8.9 In terms of section 70 of PAIA, disclosure is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- 8.10 If your request does affect a third party then ATC SA will first need to inform the third party within 21 days of us receiving your request. By this we mean that if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record.
- 8.11 The third party then has 21 days to make representations and/or submissions regarding the granting of access to the record.
- 8.12 Once the Information Officer (or a person designated by them) has heard all the submissions, he or she will make a decision as to whether or not access to the record will be granted. If the decision is to grant you access to the record, you must then be granted access to the record within 30 days of being informed of the decision, unless an application with a court is lodged against the decision within that period.
- 8.13 If the Information Officer (or a person designated by them) does not grant you access to the record, you may apply to a court for appropriate relief in terms of section 82 of PAIA.
- 8.14 If the Information Officer (or a person designated by them) does decide to grant you access to the record, the third party that has been affected may lodge an application with a court against the decision of the Information Officer within 30 days after notice is given.

9. Prescribed fees

- 9.1 A request fee of R50.00 is payable by a requester, other than a requester who is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on ATC SA's behalf may notify the requester to pay the request fee before processing the request any further. A requester may make an application to court against the payment of the request fee.
- 9.2 A requester whose request for access to a record or records held by ATC SA is granted is also required to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. ATC SA is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.

3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on:	R40.00
	(i) Flash drive (to be provided by requestor)	
	(ii) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	R40.00
	(i) Flash drive (to be provided by requestor)	
	(ii) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of	R435.00

10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

9.3 In addition, if the search for and preparation of the record or records requested takes more than six hours, ATC SA may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

10. Availability of this manual

This manual is available for inspection:

- 10.1 at ATC SA's website, <https://atcsouthafrica.co.za/en/>; and
- 10.2 at ATC SA's principal place of business set out in paragraph 2 above, during normal business hours; and
- 10.3 by the Information Regulator upon request.

11. **Prescribed form**

FORM 2

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Regulation 7 of the 2021 Regulations)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Regulation 7 of the 2021 Regulations)

Request for access to record

Particulars of [the company]

Name of [the company]: ***[insert name]***

Registration number ***[insert]***

The Head: ***[insert]***

Physical Address: ***[insert]***

Postal Address: ***[insert]***

Telephone: ***[insert]***

Telefacsimile: ***[insert]***

E-mail: ***[insert]***

Particulars of person requesting access to the record

The full particulars of the person who requests access to the record must be given below.

The address and/or fax number in the Republic to which the information is to be sent must be given.

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: _____

Particulars of person on 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: _____

Particulars of record

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 space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Description of record or relevant part of the record:

Reference number, if available: _____

Any further particulars of record: _____

Fees

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.

You will be notified of the amount required to be paid as the request fee.

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.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

Form of access to record

If you are prevented by an impediment or 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:	
<hr/>		<hr/>	
<hr/>		<hr/>	
<hr/>		<hr/>	

Mark the appropriate box with an "X":

NOTES:

Compliance with your request in the specified form may depend on the form in which the record is available.

Access in the form requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.

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* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	<p>YES</p>	<p>NO</p>
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Particulars of the 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.**

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:

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