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**FoneWorx (Pty) Ltd**

**ACCESS OF INFORMATION  
MANUAL**

**In terms of Section 51 of the  
Promotion of Access to Information Act**

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# PREAMBLE

*The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place in order to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the Act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined. This Manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, No. 2 of 2000.*

## INTRODUCTION TO FONEWORX (PTY) LTD

*Business Registration No: 1997/014426/07*

*FoneWorx (Pty) Ltd, is a telecommunications value-added service provider. FoneWorx is an independent switch which offers clients a range of infotainment and business services and has service provider agreements with Telkom, MTN, Vodacom and Cell C. FoneWorx digital business services include Fax2Email, Email2Fax, PC2Ffax, Fax on Demand, Fax2Web, international fax and bespoke business services incorporating financial switching for credit cards, as well as document storage, voice storage and text storage.*

*The FoneWorx platform has been designed to operate either as a bureau-based or an application service provider model, which enables clients to select from a suite of services. FoneWorx also designs bespoke services on behalf of clients which incorporate a number of the bearer technologies adopted by the group. These services include fax, SMS, USSD, WAP, GPRS and voice services. The intellectual property of FoneWorx resides in the ability to integrate various bearer technologies, which allow clients access to other technologies through one portal, being the FoneWorx platform. FoneWorx has runs a number of services within Africa, mainly within the SMS and IVR environment, hosting such services from various countries in Africa on the platform in Randburg, South Africa.*

*We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.*

*Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you*

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*require access to any of this information.*

*A copy of this manual is also available on our website [www.foneworx.co.za](http://www.foneworx.co.za)*

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## B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

### 1. CONTACT DETAILS [SECTION 51(1)(A)]

Information Officer:

Gareth Tudor

Postal Address:

P O Box 2404

RANDBURG

2125

Street Address:

372B Oak Avenue

RANDBURG

2194

Telephone Number: (011) 293 0000

Fax Number: (011) 787 2137

E-mail Address: [gtudor@isol.co.za](mailto:gtudor@isol.co.za)

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## **2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [SECTION 51(1)(B)]**

*The Guide 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 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)*

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### **3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SECTION 51(1)(D)]**

- *Arbitration Act No. 42 of 1965*
- *Basic Conditions of Employment No. 75 of 1997*
- *Companies Act No. 61 of 1973*
- *Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993*
- *Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988*
- *Copyright Act No. 98 of 1978*
- *Currency and Exchanges Act No. 9 of 1933*
- *Debtor Collectors Act No. 114 of 1998*
- *Employment Equity Act No. 55 of 1998*
- *Financial Services Board Act No. 97 of 1990*
- *Harmful Business Practices Act No. 23 of 1999*
- *Income Tax Act No. 95 of 1967*
- *Insolvency Act No. 24 of 1936*
- *Labour Relations Act No. 66 of 1995*
- *Occupational Health & Safety Act No. 85 of 1993*
- *Regional Services Councils Act No. 109 of 1985*
- *SA Reserve Bank Act No. 90 of 1989*
- *Skills Development Levies Act No. 9 of 1999*
- *Skills Development Act No. 97 of 1998*
- *Trade Marks Act No. 194 of 1993*
- *Unemployment Contributions Act No. 4 of 2002*
- *Unemployment Insurance Act No. 63 of 2001*
- *Usury Act No 73 of 1968*
- *Value Added Tax Act No. 89 of 1991*

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- *Promotion of Access to Information Act 2 of 2000*



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## 4. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION [SECTIONS 51(1)(C) AND 51(1)(E)]

### *i. Automatic availability of certain records held by FoneWorx (Pty) Ltd* *[Section 51(1)(c)]*

*The Minister of Justice is entitled to publish a list of records submitted by FoneWorx (Pty) Ltd to which the public may have access without formally applying for access to such records.*

*The list of records that are freely available and which need not be requested in terms of this Act are:*

- *Pamphlets / Brochures*

### *ii. Records that may be requested.* [Section 51(1)(e)]

*A description of the subjects of the records held by the body and the categories in which these subjects are classed*

#### ACCOUNTING RECORDS

- *Books of Account including journals and ledgers*
- *Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange*

#### AGREEMENTS AND CONTRACTS

- *Acquisition or disposal documentation*
- *Agreements with contractors and suppliers*
- *Agreements with shareholders, officers or directors*
- *Distributor, dealer or agency agreements*
- *Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co promotion or other alliance agreements*
- *Purchase or lease agreements*
- *Sale agreements*

#### ENVIRONMENTAL HEALTH AND SAFETY

- *Safety, Health and Environmental records*

#### INFORMATION TECHNOLOGY

- *Agreements*

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- *Capacity and Utilization of Current Systems*
  - *Disaster Recovery*
  - *Hardware*
  - *Internal Systems Support and Programming / Development*
  - *LAN Installations*
  - *Operating Systems*
  - *Software Packages*
  - *Telephone Exchange Equipment*
  - *Telephone Lines, Leased Lines and Data Lines*

#### INSURANCE

- *Claim records*
- *Details of insurance coverages, limits and insurers*
- *Insurance policies*

#### INTELLECTUAL PROPERTY

- *Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements*
- *Copyrights*
- *Patents, patent applications and inventions*
- *Trademarks, trade names and protected names*

#### LEGAL

- *Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation*
- *Material licences, permits and authorisations*
- *Settlement agreements*

#### MOVABLE PROPERTY

- *Asset register*
- *Finance and Lease Agreements*

#### OTHER EMPLOYEE RECORDS

- *Employee contracts*
- *Group life*

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- *Group personal accident*
  - *Incentive schemes*

### SALES AND MARKETING

- *Brochures, Newsletters and Advertising Materials*
- *Customers*
- *Domestic and Export Orders*
- *Markets*
- *Products*
- *Sales*

### STATUTORY COMPANY INFORMATION

- *Annual Financial Statements: Annual accounts*
- *Annual Financial Statements: Auditor's report*
- *Annual Financial Statements: Directors' reports*
- *Books of Account regarding information required by the Companies Act, 1973*
- *Certificate of Change of Name (if any)*
- *Certificate of Incorporation*
- *Certificate to Commence Business*
- *Directors' Attendance Register*
- *Memorandum and Articles of Association*
- *Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings*
- *Register of shareholders*

### STATUTORY EMPLOYEE RECORDS

- *Date of birth of each employee*
- *Employees' names and occupations*
- *Expense accounts*
- *IRP5 / IT3 certificates for employees*
- *Remuneration paid to each employee*
- *Salary and wages register*

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- *Staff records (after date of employment ceases)*

TAXATION

- *Copies of all Income Tax Returns and other tax returns and documents;*

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### iii. The Request Procedure

#### Form of request:

- *The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].*
- *The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].*
- *The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].*
- *If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].*

#### Fees

*A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:*

- *The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].*
- *The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].*
- *After the head of the private body has made a decision on the request, the requester must be notified in the required form.*
- *If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].*

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## 5. AVAILABILITY OF THE MANUAL [SECTION 51(3)]

*This manual has been made available to the Human Rights Commission, In accordance with paragraph 9(1) of the Regulations promulgated in terms of the Act and is published on the website of FoneWorx (Pty) Ltd ([www.foneworx.co.za](http://www.foneworx.co.za))*