



Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

**MANUAL ISSUED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT 2 OF 2000**

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POLICY APPROVAL RECORD		
		Approved by Council
Name and job title	Acting Chairperson Cllr Katharina Pillay	
Signature		
Date		

1. PREAMBLE AND PURPOSE OF THE MANUAL

1.1 This manual (the **Manual**) has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 (the **Act**). The Independent Communications Authority of South Africa (the **Authority**) is a public body as defined in the Act, and this Manual contains the information specified in section 14(1) of the Act, which is applicable to such a public body. This information is as follows –

1.1.1 a description of the structure and functions of the Authority;

1.1.2 the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the Authority and of every deputy information officer of the Authority designated in terms of section 17(1) of the Act;

1.1.3 a description of the guide referred to in section 10 of the Act;

1.1.4 the latest notice published by the Minister of Justice and Constitutional Development under section 15(2) of the Act;

1.1.5 a description of the subjects on which the Authority holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record;

1.1.6 a description of the services available to members of the public from the Authority and how to gain access to those services;

1.1.7 a description of any arrangement or provision that is in

place for a person by consultation, making representations or otherwise, to participate in or influence the formulation of policy or the exercise of powers or performance of duties of the Authority;

1.1.8 a description of all remedies available in respect of an act or a failure to act by the Authority; and

1.1.9 any other information as prescribed by regulation.

1.2 The Manual will be updated on a regular basis in accordance with the requirements of section 14(2) of the Act.

1.3 This Manual is intended, as contemplated in the Act, to give effect to the constitutional right of access to information held by the State and information that is held by any other person and that is required for the exercise or protection of any rights.

1.4 This Manual envisages providing a broad yet simple guide which will enable the requestor to obtain the records to which they are entitled in a quick, easy and accessible manner bearing in mind the Authority's vision, mission, and values as follows –

1.4.1 Vision - to advance the building of a digital society;

1.4.2 Mission - to ensure that all South Africans have access to a wide range of high-quality communication services at affordable prices;

1.4.3 Values - the essence from which the Authority extracts inspiration when crafting its strategies. These are concepts that are entrenched in the fabric of the Authority and by which the Authority is judged. All of the Authority's regulatory activities are centred on the 5 following core values –

- 1.4.3.1 Innovation – a willingness and ability to generate viable new approaches and solutions; and finding new and better ways of applying best solutions to meet stakeholder needs;
- 1.4.3.2 Collaboration - eradicating “silos” by developing a conscious mind-set that aligns our work to our organisational vision and strategy; and creating synergies internally to fast-track our organisation’s performance;
- 1.4.3.3 Accountability - executing daily work in a proactive manner; and taking full responsibility for the work that we do in collaboration with others;
- 1.4.3.4 Results-Driven - achieving high quality results that are consistent with our organisational standards; and coaching and assessing our performance against goals, as well as identifying areas of improvement (ensuring that work does not “fall through the cracks”);
- 1.4.3.5 Stakeholder-Centric - carrying out our duties with the stakeholder in mind. Stakeholders are central to what we do and we welcome their feedback for a consistent and effective partnership.

2. ICASA STRUCTURE AND FUNCTION

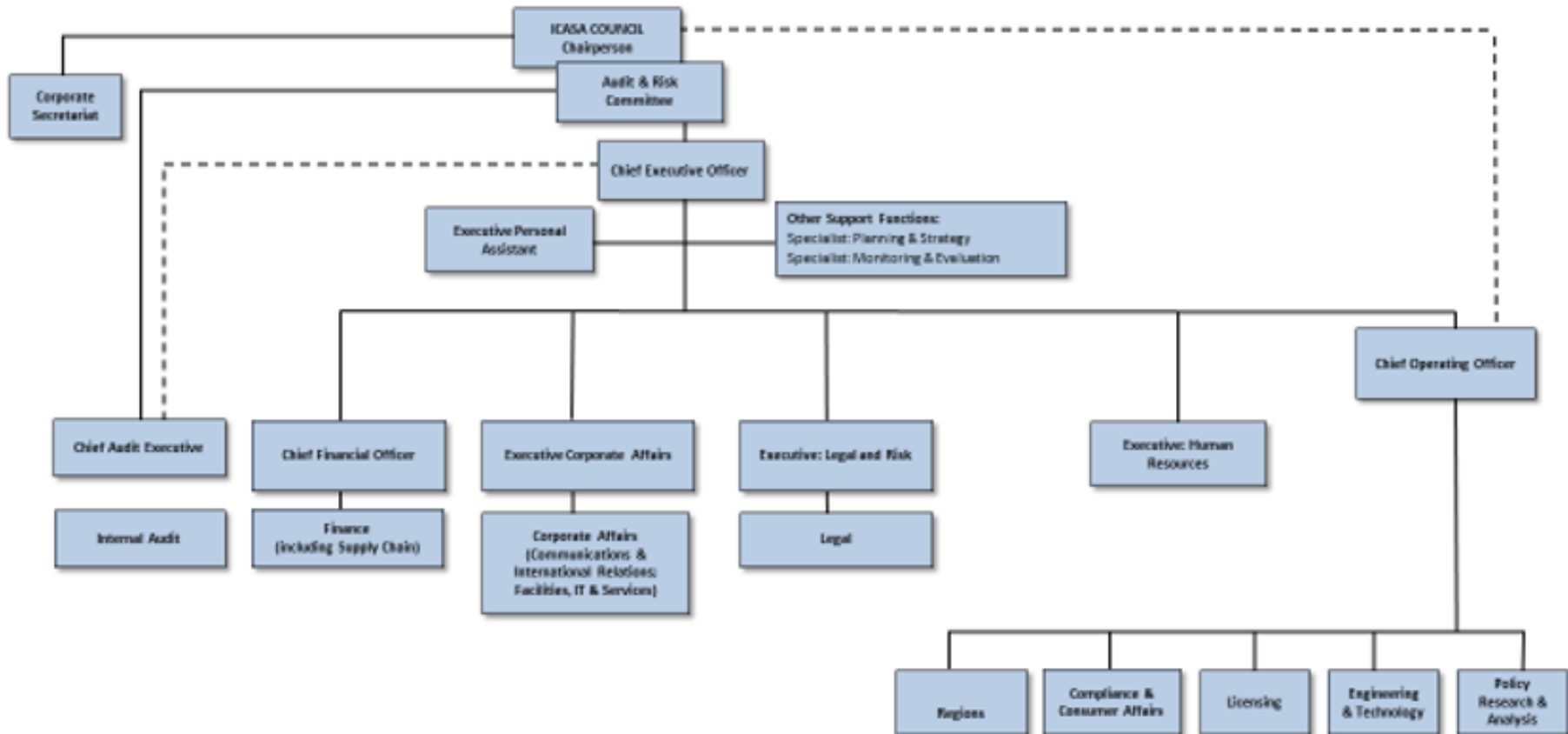


Figure 1: ICASA Structure

2.1 The Authority is the regulatory authority in respect of the broadcasting, postal services and electronic communications industry in South Africa.

2.2 Section 192 of the Constitution of the Republic of South Africa, 1996 (the **Constitution**) mandates Parliament “to establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society”. Parliament has deemed it fit to add the regulation of electronic communications, postal services and electronic transactions to the mandate of the Authority as the regulatory institution established pursuant to section 192 of the Constitution.

2.3 The Authority was established in terms of section 3 of the Independent Communications Authority of South Africa Act 13 of 2000 (the **ICASA Act**). The Authority’s mandate is to regulate broadcasting, postal services and electronic communications in South Africa and is contained in the following legislation –

2.3.1 ICASA Act;

2.3.2 Electronic Communications Act 35 of 2005, as amended (the **EC Act**);

2.3.3 Broadcasting Act 4 of 1999 (the **Broadcasting Act**); and

2.3.4 Postal Services Act 24 of 1998 (the **Postal Services Act**),

for the regulation of electronic communications, broadcasting and postal service sectors in the public interest.

In addition, ICASA falls under schedule 1 of the Public Finance Act 1 of 1999 (PFMA) and is an organ of state, which is bound by the Bill of Rights.

- 2.4 The Authority’s mandating legislation empowers it to - grant licences; monitor licensee compliance with licence terms and conditions; develop regulations and policy documents for the three sectors; plan and manage the radio frequency spectrum; and protect consumers in respect of these services.
- 2.5 The Authority consists of a national office situated in Gauteng and various regional offices.
- 2.6 ICASA Councillors are appointed through a public parliamentary process outlined in the ICASA Act. The term of office for the Chairperson is five years, whereas that of Councillors is four years. The Authority’s current members and councillors are available on its website. The full organogram of the structure is on page 8 of this Manual.
- 2.7 The Authority appoints its members and councillors of its governance committees. The Authority has the following governance committees and members -

Committee	No. of Members
Audit and Risk	5
Human Resources and Remuneration	4
Information Technology Review	2
Complaints and Compliance Committee	7

3. **CONTACT DETAILS OF DEPUTY INFORMATION OFFICERS**

- 3.1 The Chief Executive Officer of the Authority is Pakamile Kayaletu Pongwana.
- 3.2 Pakamile Kayaletu Pongwana is, accordingly, the Information Officer of the Authority for the purposes of the Act and has delegated his powers and duties, in terms of section 17(3) of the

Act, to Wellington Ngwepe, who is the Chief Operations Officer.

3.3 Wellington Ngwepe is, accordingly, the Deputy Information Officer of the Authority for the purposes of the Act.

3.4 In addition, and in order for the Authority to render itself as accessible as reasonably possible for requesters of its records, as contemplated in section 17(1) of the Act, the Information Officer has appointed Regional Deputy Information Officers in respect of each region, to handle specific requests for information, as well as a National Coordinating Deputy Information Officer whose function it is to record and manage all information requests.

3.5 When placing a request for information in terms of the Act, please direct the request to the designated Regional Deputy Information Officer as set out in paragraph 3.5.4 below. However, should the requester wish to contact the Deputy Information Officer or the National Coordinating Deputy Information for information on the Act, please use the information provided below in paragraphs 3.5.2 and 0. The relevant contact details are as follows -

3.5.1 Information Officer

Name	Division/ Region	Telephone / Fax Number	Email
Pakamile Pongwana	Head Office	Tel +2711 566 3085 Fax +2711 566 3086	PAIA@icasa.org.za

3.5.2 Deputy Information Officer

Name	Division/ Region	Telephone / Fax Number	Email
Willington Ngwepe	Head Office	Tel +2711 566 3013 Fax +2711 566 3014	COO@icasa.org.za

3.5.3 National Coordinating Deputy Information Officer

Name	Division/ Region	Telephone Number	Email
Leona Mentz	Head Office	Tel +2711 566 3591 Fax +27 11 566 3592	PAIA@icasa.org.za

3.5.4 Regional Deputy Information Officers

Name	Region	Telephone number	Email
Anele Nomtshongwana	General Manager Regions	Tel +2711 566 3089 Fax+2711 566 3090	PAIAREgions@icasa.org.za
Derrac Matthew	Bloemfontein	Tel +2751 411 5901 Fax +2751 411 5902	PAIAREgions@icasa.org.za
Desmond Johns	Cape Town	Tel +2721 561 6803 Fax +2721 561 6804	PAIAREgions@icasa.org.za
Nsizwa Gumede	Durban	Tel +2731 334 9514 Fax +2731 334 9513	PAIAREgions@icasa.org.za
Anele Nomtshongwana	Nelspruit	Tel +2711 566 3089 Fax +2711 566 3090	PAIAREgions@icasa.org.za
Marcel Holster	Port Elizabeth	Tel +2741 394 1601 Fax +2741 394 1602	PAIAREgions@icasa.org.za

4. REQUEST FOR INFORMATION

4.1 Requests for information may be made online or, alternatively, in the following manner -

4.1.1 printing a formal request form (Form A) which is available on the Authority's webpage or which may be requested from any of the Regional Deputy Information Officers;

4.1.2 filling in all the required fields in the request form, or rewriting the details in a separate email; and

4.1.3 sending the completed request for information to one of the addresses listed below –

Postal Address	Physical Address
The Independent Communications Authority of South Africa: c/o National Coordinating Deputy Information Officer, Private Bag x 10002 Sandton 2146	Pinmill Farm Block B 164 Kathrine Street Sandton 2146
E-mail	Telephone and Facsimile
PAIA@icasa.org.za	Attention: National Coordinating Deputy Information Officer The Independent Communications Authority of South Africa Tel 011 566 3007 Fax 011 566 3008

4.2 The Authority will, subject to paragraph 4.3, respond within 30 days regarding whether the information requested –

4.2.1 is accessible; and

4.2.2 how and where the requester may collect it.

4.3 The period within which the Authority must respond to an information request may be extended once for a period of not more than 30 days if this is deemed necessary in accordance with the criteria in section 26 of the Act.

4.4 Should the Authority extend the period for a response in accordance with section 26 of the Act, it shall as soon as

reasonably possible, but no later than 30 days following the request, notify the requester of –

- 4.4.1 the period of such extension;
 - 4.4.2 adequate reasons for the extension; and
 - 4.4.3 the requester’s right to lodge an internal appeal or application with a court, against the extension, and the procedure for lodging such internal appeal or application.
- 4.5 In certain circumstances, the requester may be required to pay a fee to the Authority, before the information requested is made available to the requester, as set out in paragraph 8 of this Manual.

5. **GUIDE ON HOW TO USE THE ACT**

- 5.1 The South African Human Rights Commission (**SAHRC**) has, in terms of section 10 of the Act, published a Guide to assist persons wishing to exercise any rights in terms of the Act.
- 5.2 The Guide may be obtained from the SAHRC.
- 5.3 Any person wishing to obtain the Guide may either access it through the website of the SAHRC at www.sahrc.org.za or should contact -

SAHRC: PAIA UNIT

Research and Documentation Department

South African Human Rights Commission

Postal address:

Private Bag x 2700

Houghton

2041

Telephone: (011) 877 3803

Fax: (011) 403 0625
Email: paia@sahrc.org.za

6. HOW TO REQUEST ACCESS TO INFORMATION HELD BY THE AUTHORITY

The following steps must be considered before submitting a request -

6.1 Step 1: Is the requester entitled to use the Act to request access?

6.1.1 Requests for records for the purpose of criminal or civil proceedings

Section 7 (1) of the Act states that -

“[the] Act does not apply to a record of a public body or a private body if -

- (a) That record is requested for the purpose of criminal or civil proceedings;
- (b) So requested after the commencement of such criminal or civil proceedings, as the case may be;
- (c) The production of or access to that record for the purpose referred to in paragraph (a) is provided in law”.

6.1.1.1 If section 7(1) applies, the requester may not bring a request in terms of the Act and must use the rules and procedures for discovery of information of the relevant legal proceedings that the requester is involved in.

6.1.1.2 The Authority reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request for information falling within the scope of section 7(1).

6.1.2 Manifestly frivolous or vexatious, or substantially or unreasonably diverts resources

6.1.3 Section 45 of the Act states that –

“[t]he Information Officer of [the Authority] may refuse a request for access to a record of [the Authority] if –

(a) the request is manifestly frivolous or vexatious; or

(b) the work involved in processing the request would substantially and unreasonably divert the resources of [the Authority].”

6.2 **Step 2: Does the information requested exist in the form of a record?**

6.2.1 The Act only applies to records which are in existence at the time of the Authority receiving the request.

6.2.2 The Act does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, the Act cannot be used to obtain reasons for a decision taken by the Authority if such reasons are not in the form of a record.

6.2.3 If the requester is not sure that such a record exists, the requester must indicate that in the relevant request form.

6.3 **Step 3: Is the record in the possession or under the control of ICASA?**

6.3.1 Section 4 of the Act provides that the record requested must be in the possession or under the control of the Authority.

6.3.2 For the purposes of the Act, a record in the possession or under the control of –

6.3.2.1 an official of the Authority in his/her capacity as such; or

6.3.2.2 an independent contractor engaged by the Authority in the capacity of such contractor,

is regarded as being a record of that public body.

6.4 **Step 4: Who may bring the request in terms of Chapter 2 or 3 of the Act?**

Any person other than a public body or official thereof may make a request for access to a record of the Authority.

6.5 **Step 5: Prescribed Form of Request**

6.5.1 In terms of section 11 of the Act, a requester must make the request for access to a record on the prescribed form contained in the Regulations Regarding the Promotion of Access to Information (Form A - attached to this Manual, as Annexure 1) which must be submitted to the designated Regional Deputy Information Officer as a first point of contact where after the Information Officer or Deputy Information Officer by hand, post, per fax or per e-mail, as specified in paragraph 3.

6.5.2 A requester must provide sufficient detail on the prescribed form to allow the Authority to identify the record or records which have been requested and the identity of the requester.

6.5.3 Any person who would like to submit information using a MS Word version of the request form, may send an e-mail to the relevant the designated Regional Deputy Information Officer as a first point of contact where after the Information Officer or Deputy Information Officer

requesting that a copy be send to the requester by e-mail.

6.5.4 If the request is made on behalf of another person, the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Regional Deputy Information Officer as a first point of contact, where after the Information Officer or Deputy Information Officer. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, hers of its contact details in South Africa.

6.5.5 For the purposes of Form A, the requester must comply with all the procedural requirements in the Act relating to a request for access to the relevant records.

6.5.6 If a requester is illiterate or disabled and cannot make a request on the prescribed form then the request may be made orally by telephone or in person. The Regional Deputy Information Officer as a first point of contact, where after the Information Officer or Deputy Information Officer may reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

7. **CONSIDERING THE REQUEST**

7.1 Subject to the provisions of the Act, access to records requested from the Authority will only be given if -

7.1.1 all the procedural requirements set out in the Act relating to a request are met; and

7.1.2 access to the requested record(s) is not refused in terms of any ground for refusal set out in the Act.

- 7.2 The Authority may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 2 of the Act. These grounds include that –
- 7.2.1 access would result in the unreasonable disclosure of personal information about a third party;
 - 7.2.2 a record contain information which was obtained or is held by the South African Revenue Service for the purposes of enforcing legislation;
 - 7.2.3 it is necessary to protect the commercial information of a third party;
 - 7.2.4 it is necessary to protect the confidential information of a third party;
 - 7.2.5 it is necessary to protect the safety of individuals or property;
 - 7.2.6 a record constitutes privileged information for the purpose of police dockets in bail proceedings, law enforcement and legal proceedings;
 - 7.2.7 a record could reasonably be expected to cause prejudice to the defence, security or international relations of South Africa;
 - 7.2.8 a record would likely materially jeopardise the economic interests or financial welfare of South Africa;
 - 7.2.9 it is necessary to protect the research information of a third party or the Authority itself; and
 - 7.2.10 the request for access to a record is manifestly frivolous or vexatious or is a substantial and unreasonable diversion of

resources.

- 7.3 Access to documents may also be refused on the basis of professional privilege.
- 7.4 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Authority's possession but cannot be found, or does not exist, then the Regional Deputy Information Officer as a first point of contact where after the Information Officer or Deputy Information Officer till, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 7.5 The Authority is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of the Authority's decision in another manner as well, this must be set out in the request and the relevant details included, in order to allow the Authority to inform the requester in the preferred manner.
- 7.6 The Authority will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified of the request or the 30 day period is extended as provided for in the Act. The Authority will notify the requester if the 30 day period for processing a request is to be extended.

8. **PAYMENT OF FEES**

- 8.1 For the following provisions of this paragraph 8, references to 'requester' exclude a 'personal requester' as defined in the Act as "a requester seeking access to a record containing personal information about the requester".

- 8.2 A requester must pay a request fee of R35.00. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on the Authority's behalf may notify the requester that the requester must pay the request fee before processing the request any further.
- 8.3 A requester may apply to the High Court to be exempted from the requirement to pay the request fee.
- 8.4 Where a request for access to a record or records held by the Authority is granted, the requester also has 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. The Authority is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as listed in Annexure 2.
- 8.5 In addition, if the search for and preparation of the record or records requested takes more than six hours, the Authority may charge R15.00 for each hour or part thereof which is required for the search for and preparation of the records.
- 8.6 If the Authority is of the opinion that the search for and the preparation of the records requested will require more than six hours, the Authority is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to the High Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.
- 8.7 All payments must be made in the form of an Electronic Funds Transfer to the Finance Department of the Authority or by cash

deposit into the Authority's banking account provided below.

<u>Bank:</u>	Nedbank
<u>Account No:</u>	1462001300
<u>Branch Code:</u>	146245(Corporate Client Services)
<u>Branch:</u>	Pretoria
<u>Type of Account:</u>	Current
<u>Reference:</u>	As provided for by the PAIA Unit

8.8 Proof of payment must be sent to the Deputy Information Officer at the contact details above.

9. **ACCESS TO RECORDS**

For the purposes of facilitating a request in terms of the Act, the information below includes a description of the subjects on which the Authority holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time. The records listed below will not in all instances be provided to a requester who requests them in terms of the Act. In other words, the records held under the various subjects are not automatically available and access to the records is subject to the nature of the information contained in the record.

9.1 The procedure in terms of which such records may be requested from the Authority is set out below. Records in the Possession of the Authority, which are automatically available in terms of section 15(1)(a) of the Act

9.1.1 No notices relating to the Authority have been published by the Minister in terms of section 15(2) of the Act.

9.1.2 Certain records are available without needing to be requested in terms of the request procedures set out in the Act and are detailed below. This information may be

inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the offices of the Authority, and an appointment to view the records will still have to be made with the Information Officer or the Deputy Information Officers. Certain information is also available on the Authority's website www.icasa.org.za. The records include –

- 9.1.2.1 The information uploaded to the ICASA website which includes –
 - 9.1.2.1.1 legislation pertaining to the broadcasting, telecommunications and postal service industry,
 - 9.1.2.1.2 decisions made by the Authority,
 - 9.1.2.1.3 reasons for the decisions made by the Authority, and
 - 9.1.2.1.4 documentation on available tenders and bid documentation;
- 9.1.2.2 Information booklets;
- 9.1.2.3 Pamphlets;
- 9.1.2.4 Posters;
- 9.1.2.5 Newsletters;
- 9.1.2.6 Forms;
- 9.1.2.7 Other marketing and informative materials relating to the functions and services of the Authority;
- 9.1.2.8 Court Pleadings (after litigation);
- 9.1.2.9 Court Orders;
- 9.1.2.10 Judgments;
- 9.1.2.11 Strategic plans; and
- 9.1.2.12 Quarterly reports, Annual Reports (Finance: Reporting).

9.2 Records that may be requested in terms of section 14(1)(d) of the Act

9.2.1 The Authority holds information pertaining to the following subjects and categories which must be formally requested in terms of the Act.

9.2.2 Inclusion of any subject or category should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

9.2.3 The following are the categories for which a formal request must be made to the Authority –

Categories of records	Description of records held
Office of the Chief Executive Officer	<ul style="list-style-type: none"> • Corporate Governance information • Organisational policies and procedures • Parliamentary Questions • Delegation of Authority • ICASA annual reports • Service Level Agreements, Memoranda of Understanding and other agreements and contracts
Office of the Chief Operating Officer - Project Management Office	<ul style="list-style-type: none"> • Project related information

Categories of records	Description of records held
<p>Secretariat</p>	<ul style="list-style-type: none"> • Minutes of Governance Committees - Audit Committee, Risk Committee, Remuneration Committee • Decisions from Council • Annual work plan for Board Committees • Terms of Reference for Committees • Attendance Registers • Declarations of Interest Registers • Relevant statutory reports

Corporate Affairs

Communications

- Relevant Policies
- Communications and Stakeholder Relations Strategy
- ICASA events calendar
- Media and stakeholder database

Facilities Management

- Database of information
- Relevant Policies
- Procedure documents
- Fleet management documents, (transport request, fleet register,
- Facilities quarterly performance information reports
- Registry registers

Information Technology

- IT Strategy
- Project Management Charter
- Project Management Process
- Architecture Policy
- Architecture Charter
- Master System Plan

Categories of records	Description of records held
	<ul style="list-style-type: none"> • System design documents • ICT policies, procedures and standards • Records of internal call • Process within Business Support • Equipment standards (Architecture) • Licensing agreements
Finance Division	<ul style="list-style-type: none"> • Finance Policies • Record of payments in Payroll (Finance: Payroll/Remunerations) for key management personnel from General Manager level upwards • Budgets (Finance: Budgets & Planning) • Financial Statements (Finance: Accounting) other than Audited Annual Financial Statements • Finance quarterly reports • Creditor's statements and invoices (Finance: Accounting) • Records of payments to creditors (Finance: Accounting) and claims (Finance Treasury) • Insurance claim files (Finance: Actuarial and insurance)

Categories of records	Description of records held
Supply Chain	<ul style="list-style-type: none"> • Supply Chain Policies • Contracts Database • Supplier Database
Human Resources Division	<ul style="list-style-type: none"> • Human Resources policies and procedures • Personnel files • Employment contracts • REMCO reports and salary benchmark reports • CCMA and Labour Court records pertaining to labour disputes
Policy Research & Analysis Division	<ul style="list-style-type: none"> • Published Project Related Information • Published Submissions to the ITU (ICT Sector Reports) • Policy, Research and Analysis Policies & Procedures

Categories of records	Description of records held
Internal Audit Division	<ul style="list-style-type: none"> • Internal Audit reports • Internal Audit policies and procedures • Internal Audit Manual • Internal Audit Service Level Agreements • Internal Audit Induction Pact • Internal Audit Code of Ethics • Internal Audit Charter
Compliance	<ul style="list-style-type: none"> • Policies, procedures and processes • Workflows

<p>Security Documents</p>	<p>Services</p> <ul style="list-style-type: none"> • Occurrence book • Access control register • Application form for ID card/enrolment • Acknowledgement of debt for cards or keys • Application form for access to server room • Application form for access to executive suite • Key control register • Key control inventory register; • Work Schedule • Fire equipment inspection • Security policy • Access control procedure • Records management policy • Occupational Health and Safety Act Policy • Fire arm control procedure • Firefighting and prevention procedure • Locks and control procedure • Contingency plan • Communication security procedure • Operational emergency plan • Personnel Security Procedure
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Categories of records	Description of records held
	<ul style="list-style-type: none"> • Minimum Information Security Standard Document
Legal, Risk & Complaints & Compliance Committee (CCC)	<ul style="list-style-type: none"> • Litigation reports • Legislation impacting on ICASA • Compliance Reports • PAIA Reports • Policies and procedures • Risk registers • Complaints and Election Complaints • CCC Final Decisions
Compliance and Consumer Affairs	<ul style="list-style-type: none"> • Complaints Manual Form • Information brochures and pamphlets • Consumer regulations • Disability Consultative Forum reports and terms of reference

Categories of records	Description of records held
<p>Licensing Unit</p>	<ul style="list-style-type: none"> • Licensing Processes and Procedures Regulations • Licensing Standard Terms and Conditions Regulations • Invitations to Apply • Published Applications • Published Representations • Published Responses • Public hearings-transcripts and presentations • Reason documents • Licences • The Terrestrial Broadcasting Frequency Plans • Notices on re-categorisation of broadcasting frequency channels • Licence Fee related information

Categories of records	Description of records held
Engineering & Technology	<ul style="list-style-type: none"> • The National Radio Frequency Plan • Radio Frequency Spectrum related Regulations • Information on the technical issues of spectrum licences for Individual Electronic Communications Network Service licensees • Information on the methods of spectrum management used in broadcasting and other radio communications
Regions	<ul style="list-style-type: none"> • Health and safety records • Pre-assigned application records • Sealing and seizure records • Cases reported to SAPS on illegal operators • Licensees authorized by ICASA • Vehicle information • Public meeting records • Frequency bands users and operator records

10. PERSONAL INFORMATION

10.1 For the purposes of facilitating a request for personal information, the information below includes – (i) details of the purpose of the processing of personal information by the Authority, (ii) a description of the categories of data subjects and of the information or categories of information relating to data subjects

held by the Authority, (iii) the recipients or categories of recipients to whom personal information may be supplied, (iv) planned transborder flows of personal information, and (v) a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Authority to ensure the confidentiality, integrity and availability of the information which is to be processed.

10.2 In terms of the Protection of Personal Information Act 4 of 2013 (which is not yet fully in effect), a requester to whom certain personal information relates may request the Authority to confirm, free of charge, whether or not the Authority holds personal information about that particular requester.

10.3 A requester is able to make a request that the Authority provides the record or a description of the personal information about the requester which is held by the Authority, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information. This request must be made –

10.3.1 within a reasonable time,

10.3.2 in a reasonable manner and format,

10.3.3 at a fee, and in a form that is generally understandable.

10.4 **Purpose of the processing of personal information:**

10.4.1 Consideration of licence applications;

10.4.2 Licensee contact details;

10.4.3 Talent sourcing processes;

10.4.4 Procurement processes and contract management;

10.4.5 Human resource records including provident fund

requirements;

- 10.4.6 Complaints at the Complaints and Compliance Committee;
- 10.4.7 Any other purpose in order to meet the Authority's mandate.

10.5 **Categories of data subjects and information:**

- 10.5.1 Employees;
- 10.5.2 Licensees;
- 10.5.3 Complainants;
- 10.5.4 Service Providers; and
- 10.5.5 Councillors.

10.6 **Recipients to whom personal information may be supplied:**

- 10.6.1 Human Resources Department;
- 10.6.2 Licensing Department;
- 10.6.3 Secretariat;
- 10.6.4 Corporate Affairs;
- 10.6.5 Legal;
- 10.6.6 Compliance and Consumer Affairs Department;
- 10.6.7 Engineering and Technology Department;
- 10.6.8 Complaints and Compliance Committee;
- 10.6.9 Internal Audit;
- 10.6.10 Auditor General.

10.7 **Planned transborder flows of personal information:**

- 10.7.1 Not applicable to ICASA

10.8 **General description of information security measures:**

- 10.8.1 There currently is an IT Security Policy in place that governs how access to each system is managed.
- 10.8.2 Strict password policies in place which ensures that

passwords to access each system must be changed every 30 days. Furthermore, if a password to any system is entered incorrectly 3 times, the user account is disabled.

- 10.8.3 Access rights to key systems are audited quarterly to ensure that individuals have the correct permissions applicable to their job function.

11. SERVICES AVAILABLE

Nature of services

- 11.1 The Authority provides services in terms of its mandate that include –

- 11.1.1 Grant, renew, amend, transfer and revoke licences;
- 11.1.2 Develop, monitor and enforce compliance with licence conditions and regulations;
- 11.1.3 By notice in writing, direct the holder of a licence in terms of the underlying statutes to produce or furnish to the Authority, at a time and place specified in the notice, any documents and information specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on such licensee by the relevant legislation;
- 11.1.4 Conduct research on all matters affecting the broadcasting, electronic transactions, postal and electronic communications sectors in order to exercise its power and perform its duties;
- 11.1.5 Make regulations on matters consistent with the objects of the relevant legislation;

- 11.1.6 Inspect electronic communications apparatus used for electronic communications;
- 11.1.7 Undertake inquiries on any matter within its jurisdiction;
- 11.1.8 Investigate and adjudicate complaints submitted to the Authority in terms of the relevant legislation and licence conditions;
- 11.1.9 Exercise powers and perform duties of the Authority in terms of the relevant legislation.

How to gain access to these services

- 11.2 The services can be accessed by any interested person, member of the public, potential licensee, licensee, organisation or institution depending on the information required, and provided that the information to be accessed was not submitted and determined to be confidential by the Authority in terms of section 4D of the ICASA Act, by the following means:
 - 11.2.1 Submitting an application for any of the activities regulated by the Authority;
 - 11.2.2 Taking part in public hearings and submitting written comments when provided with such notice;
 - 11.2.3 Lodging complaints with the Authority or the CCC.
- 11.3 More information on the Authority and the services available can be accessed in the following manner:
 - 11.3.1 Visiting the Authority's website at www.icasa.org.za
 - 11.3.2 Visiting the Authority's library located at its head office at Pinmill Farm Block C

164 Kathrine Street
Sandton
2146

11.3.3 Telephonic contact to the Authority library for inquiries at
+2711 566 3000

12. Arrangement for allowing for public participation in discharging the
Authority's mandate

12.1 The Authority follows transparent and consultative processes in
terms of executing its mandate, and any interested party may
participate by following the instructions set out in the relevant
Government Gazette.

13. **REMEDIES FOR A REFUSAL TO REQUEST FOR INFORMATION**

13.1 The Authority does not have an internal appeal procedure. As
such, the decision made by the Information Officer is final, and
requestors will have to exercise such external remedies at their
disposal if the request for information is refused, and the
requestor is not satisfied with the answer supplied by the
Information Officer.

13.2 Where a request is refused, an aggrieved requester may submit
a complaint to the data protection regulator, when it is
established, or may apply to the High Court within 180 days of
being informed of the refusal of the request, for an order
compelling the record or records requested to be made available
to the requester or for another appropriate order. Likewise, a
third party dissatisfied with the Information Officer's decision to
grant a request for information, may apply to the High Court for
relief within 180 days of notification of the decision.

- 13.3 The Court will determine whether the records should be made available or not.
- 13.4 A requester (or third party, where applicable) may, in addition, seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer -
- 13.4.1 the amount of fees required to be paid; and/or
- 13.4.2 the extension of the period which the information will be furnished.
14. All legal process must be served on the Information Officer, Deputy Information Officer or Regional Deputy Information Officer who dealt with the request.

15. **UPDATING OF THE MANUAL**

This manual will be updated annually and an amended version will be delivered to the office of the SAHRC.

16. **AVAILABILITY OF THE MANUAL**

- 16.1 The Manual will be available at the following -
- 16.1.1 The Authority's website;
- 16.1.2 The office of the SAHRC;
- 16.1.3 The Authority's library during normal business hours.
- 16.2 This Manual will also be made available to any person on request, and upon payment of a reasonable amount.

ANNEXURE 1: REQUEST FORM FOR PUBLIC BODIES

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, ct. No.2 of 2000)

<p>FOR DEPARTMENT USE</p> <p>Reference number:</p> <p>Request received by _____(state rank), Name and Surname of information officer/deputy information officer) on (date) at _____ (place).</p> <p>Request fee (if any): R.....</p> <p>Deposit (if any): R.....</p> <p>Access fee: R.....</p> <p>_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORAMTION OFFICER</p>
--

A. Particulars of public body

The information Officer/Deputy Information Officer:

Designation : **Deputy Information Officer (Manager: Complaints)**

Postal Address : **Independent Communications Authority of SA
Private Bag X10002
Sandton
2146**

Telephone : **011 566 36000**

E-mail : wngwepe@icasa.org.za

B. Particulars of person requesting access to the record

The particulars of the person who requests access to the records 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: -----

Email Address -----

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if the request for information is made on behalf of another person.

Full names and surname: -----

Identity number: -----

D. Particulars of record

Provide full particulars of the records to which access is requested, including the reference number if that is known to the requester, to enable the record to be located.

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.

Description of record or relevant part of the records:

Reference number, if available:

Any further particulars of record:

E. FEES

A request for access to a record, other than a record containing personal information about the requester, will be processed only after a request fee has been paid.

The requester 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 the requester qualify for exemption of the payment of any fee, please state the reason for exemption:

Reason for exemption from payment of fees:

F. Form of access to record

Where a form of disability may prevent a person to read, view or listen to the records in the form of access provided for in 1 to 4 below, state the requester r disability and indicate in which form the record is required.

Disability: ----- -----	Form in which records is required:----- -----
----------------------------	--

Mark the appropriate box with an **X**.

NOTES:

Compliance with the request for access 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 the requester 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 written or in printed form:

Copy of record* Inspection of recorded

2. If the record consists of visual images

This includes photographs, slide, video recordings, computer – generated images, sketches, etc.):

View of images copy of the images* transcription of images*

3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack

transcription of soundtrack*

(Audio cassette)

(Written or printed document)

4. If record is held on computer or in an electronic or machine readable form:

Printed copy

printed copy of

copy in computer

Of record*

information derived

readable form*

From the record* (compact disc)

*if the requester requested a copy or transcription of a record (above), do the requester wish the copy or transcription to be posted to the requester ?

YES/NO

Note that if the record is not available in the language that the requester prefers, access may be granted in the language in which the record is available.

In which language would the requester prefer the record?

G. Notice of decision regarding request for access

The requester will be notified in writing the requester r request has been approved/denied. If the requester wishes to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with the requester request.

How would the requester prefer to be informed of the decision regarding the requester r request for access to the record?

Signed at ----- this ----- day of-----

Signature of Requester/Person on whose behalf the request is made.

ANNEXURE 2: FEES IN RESPECT OF PUBLIC BODIES

A. Fees

	<u>Action taken</u>	<u>Fee</u>
i.	Photocopy of an A4-size page or part thereof	R0.60
ii.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.40
iii.	For a copy in a computer-readable form on -	
	<ul style="list-style-type: none">• USB (bring own)	
iv.	Transcription of visual images, for an A4-size page or part thereof	R22.00
v.	Copy of visual images	R60.00
vi.	Transcription of an audio record, for an A4-size page or part thereof	R12.00
vii.	Copy of an audio record	R17.00