



**Independent Communications Authority of South Africa**  
350 Witch-Hazel Avenue, Eco Point Office Park  
Eco Park, Centurion  
Private Bag X10, Highveld Park 0169

**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	
	Authorised by: (Accounting Officer)
Name and job title	Tshiamo Maluleka-Disemelo Chief Executive Officer
Signature	
Date	03 / 02 / 2025

## 1. DEFINITIONS

- 1.1. “**Access fee**” means a fee prescribed for the purposes of section 22(6) or 54(6) of Promotion of Access to Information Act 2 of 2000 (PAIA), as the case may be;
- 1.2. “**Authority**” the Independent Communications Authority of South Africa;
- 1.3. “**Data subject**” means the person to whom personal information relates;
- 1.4. “**Deputy Information Officer**” means the designated individual in the Authority who is responsible for assisting the Information Officer with the PAIA Request;
- 1.5. “**Guide**” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act 04 of 2013 (POPIA), as contemplated in section 10 of PAIA;
- 1.6. “**Human Rights Commission**” means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;
- 1.7. “**Information Officer**” means the Chief Executive Officer, or the person who is acting as such;
- 1.8. “**Information Regulator**” means the Information Regulator established in terms of section 39 of POPIA;
- 1.9. “**Internal appeal**” means an internal appeal to the relevant authority in terms of section 74 of PAIA;
- 1.10. “**Minister**” means the Cabinet member responsible for the administration of justice;
- 1.11. “**Person**” means a natural person or a juristic person;
- 1.12. “**Personal information**” means information relating to an identifiable natural person, including, but not limited to
  - (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
  - (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
  - (d) the biometric information of the person;
  - (e) the personal opinions, views or preferences of the person;
  - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - (g) the views or opinions of another individual about the person; and
  - h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,but excludes information about an individual who has been dead for more than 20 years;
- 1.13. “**Private body**” means-
  - (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
  - (b) a partnership which carries or has carried on any trade, business or profession; or
  - (c) any former or existing juristic person, or
  - (d) a political party.but excludes a public body;
- 1.14. “**Public body**” means-
  - (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
  - (b) any other functionary or institution when-
    - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
    - (ii) exercising a public power or performing a public function in terms of any legislation;
- 1.15. “**Record**” of, or in relation to, a public or private body, means any recorded information-
  - (a) regardless of form or medium;
  - (b) in the possession or under the control of that public or private body, respectively; and

(c) whether or not it was created by that public or private body, respectively;

1.16. **“Request for access”**, in relation to-

(a) a public body, means a request for access to a record of a public body in terms of section 11; or

(b) a private body, means a request for access to a record of a private body in terms of section 50;

1.17. **“Requester”**, in relation to-

(a) a public body, means

(i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or

(ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) a private body, means

(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

(ii) a person acting on behalf of the person contemplated in subparagraph(i);

1.18. **“Responsible party”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

1.19. **“Third party”**, in relation to a request for access to-

(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than-

(i) the requester concerned; and

(ii) a public body; or

(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester,

but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person';

1.20. **“The Act”** means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.

## 2. PREAMBLE

This Promotion of Access to Information Manual (“the Manual”) has been compiled in terms of section 14(1) of the Promotion of Access to Information Act No 2 of 2000 (“the PAIA”). The Independent Communications Authority of South Africa (the “Authority or ICASA”) is a public body as defined in section 1 of the PAIA, and this Manual contains the information specified in section 14(1) of the PAIA, which is applicable to such a public body and the information is as follows:

2.1. a description of the structure and functions of the Authority;

2.2. 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;

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

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

2.5. 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;

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

2.7. 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;

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

2.9. any other information as prescribed by regulation.

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

### 3. LIST OF ACRONYMS AND ABBREVIATIONS

- 3.1. “**CEO**” Chief Executive Officer
- 3.2. “**Constitution**” Constitution of the Republic of South Africa, 1996;
- 3.3. “**DIO**” Deputy Information Officer;
- 3.4. “**ICASA**” the Independent Communications Authority of South Africa;
- 3.5. “**IO**” Information Officer;
- 3.6. “**Members**” Members of the Information Regulator;
- 3.7. “**Minister**” Minister of Justice and Correctional Services;
- 3.8. “**PAIA**” Promotion of Access to Information Act No. 2 of 2000, as amended;
- 3.9. “**PFMA**” Public Finance Management Act No. 1 of 1999, as amended;
- 3.10. “**POPIA**” Protection of Personal Information Act No. 4 of 2013;
- 3.11. “**Regulator**” means the Information Regulator established in terms of section 39 of POPIA; and
- 3.12. “**SAHRC**” South African Human Rights Commission.

### 4. PURPOSE OF THE MANUAL

- 4.1. This Manual is intended, as contemplated in the PAIA, to give effect to the constitutional right of access to information held by the State and information that is held by any other person which is required for the exercise or protection of any rights.
- 4.2. The Manual also assists the Authority to foster a culture of transparency and accountability by giving effect to the right of access to information and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.
- 4.3. This manual can be used by members of the public to-
  - 4.3.1. establish the nature of the records which may already be available at the Authority, without the need for submitting a formal PAIA request;
  - 4.3.2. have an understanding of how to make a request for access to a record of the Authority;
  - 4.3.3. access all the relevant contact details of the persons who will assist the public with the records they intend to access;
  - 4.3.4. know all the remedies available from the Authority regarding request for access to the records, before approaching the Courts;
  - 4.3.5. describe the services available to members of the public from the Authority and how to gain access to those services;
  - 4.3.6. outline the description of the guide on how to use PAIA, as updated by the Authority and how to obtain access to it;
  - 4.3.7. understand if the Authority will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto;
  - 4.3.8. know if the Authority has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
  - 4.3.9. know whether the Authority has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

### 5. ESTABLISHMENT OF ICASA

- 5.1. The Authority is established in terms of section 3 of the Independent Communications Authority of South Africa Act 13 of 2000 (ICASA Act), which enjoins the Authority to be independent and impartial, and perform its functions and exercise its powers without fear, favour or prejudice. It is accountable to the National Assembly.
- 5.2. The Authority is responsible for the following-
  - (a) regulating broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution;
  - (b) regulating telecommunications in the public interest;
  - (c) regulating postal matters in the public interest in terms of the Postal Services Act; and
  - (c) achieve the objects contemplated in the underlying statutes.

- 5.3. The Authority is an independent institution that is subject only to the Constitution and the law, and its decisions can only be reviewed by a Court of law.
- 5.4. ICASA's Vision, Mission and Values-
  - 5.4.1. Vision - an inclusive digital society.
  - 5.4.2. Mission - to regulate electronic communications, broadcasting and postal services in the public interest.
  - 5.4.3. Values - all the Authority's regulatory activities are centred around five core values:
    - (a) Innovation – a willingness and ability to generate viable new approaches and solutions; and finding new and better ways of applying the best solutions to meet stakeholder needs;
    - (b) 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;
    - (c) Accountability - executing daily work in a proactive manner; and taking full responsibility for the work that we do in collaboration with others;
    - (d) 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”); and
    - (e) 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.

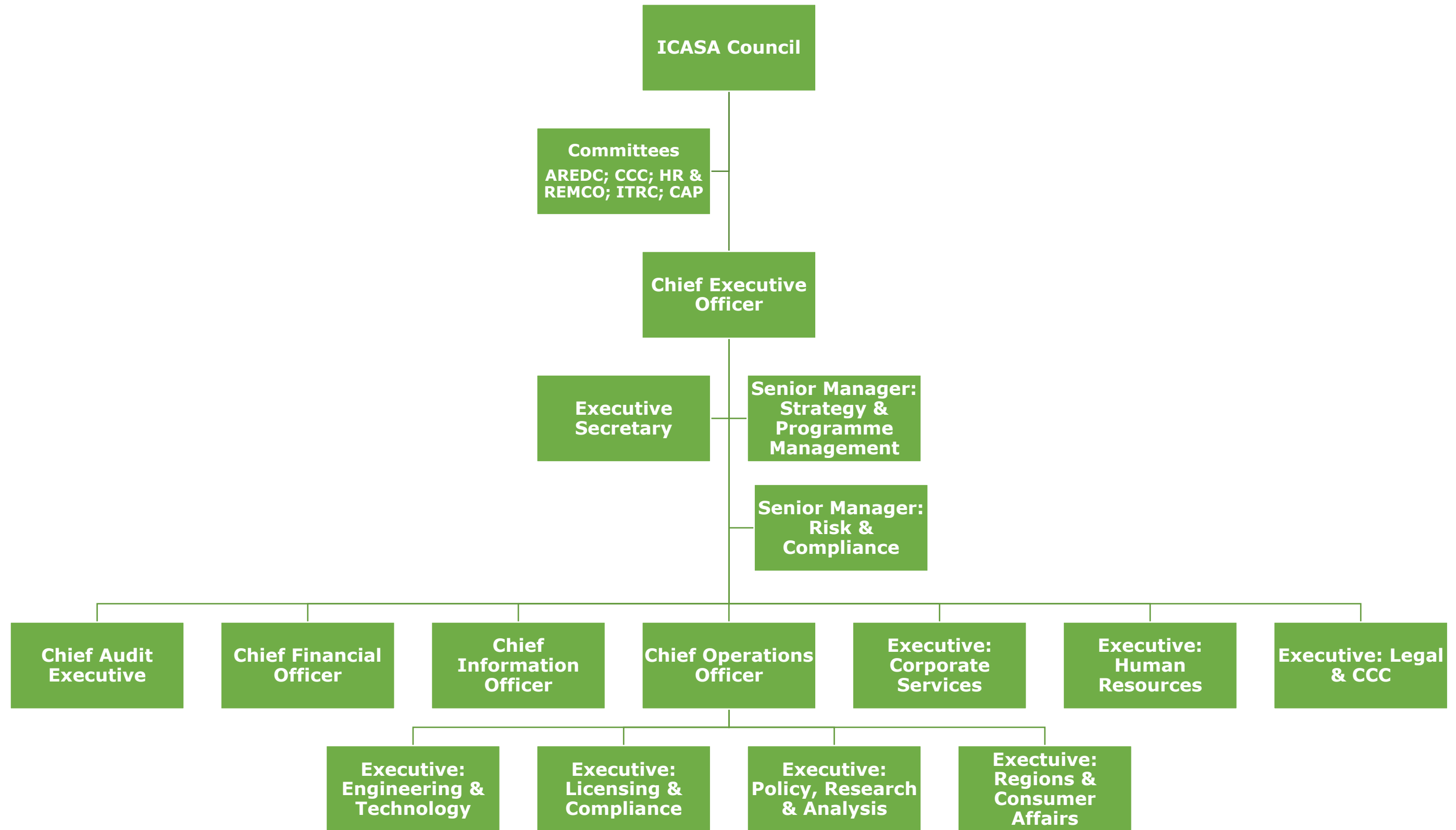
## **6. STRUCTURE OF ICASA**

- 6.1. The Authority consists of a national (head) office situated in Gauteng, Pretoria, Centurion and nine (9) Provincial Offices.
- 6.2. The Authority acts through the Council as the highest decision-making body of the Authority. The ICASA Council consists of the Chairperson and eight (8) Council Members appointed by the Minister of Communications and Digital Technologies upon the approval by the National Assembly, according to the following principles-
  - 6.2.1. Participation by the public in the nomination process;
  - 6.2.2. transparency and openness; and
  - 6.2.3. the publication of a shortlist of candidates for appointment.
- 6.3. In terms of section 14 of the ICASA Act, the Council must establish such staff component as it requires in order to support its own administration and to assist the Authority in the performance of its functions, and to this end, the Council must appoint—
  - 6.3.1. A suitably qualified and experienced person as chief executive officer of the Authority for the purpose of assisting the Authority, subject to the Council's direction and supervision, in the performance of all financial and administrative functions in terms of the ICASA Act and the underlying statuses, work arising from administration of the ICASA Act and the underlying statutes and to exercise any power delegated by the Council to him or her; and
  - 6.3.2. such other staff as the Council may deem necessary to assist the Authority and the chief executive officer, as the case may be, with all such work as may arise through the performance of its functions, including research, regulatory impact assessments, reports, the giving of reasons, preparing public consultation documents and preparing recommendations relating to the ICASA Act, the underlying statutes and the Electronic Transactions Act.
- 6.4. The Executive Committee of the Authority consist of the CEO and ten (10) Executives, namely: Executive: Corporate Services; Executive: Human Resources; Executive: Legal, Risk and CCC; Chief Audit Executive; Executive: Regions and Consumer Affairs; Chief Financial Officer; Executive: Licensing and Compliance; Executive: Policy, Research and Analysis; Chief Information Officer; and Executive: Engineering and Technology.
- 6.5. The Council may, in terms of section 17 of the ICASA Act, establish standing Committees or special Committees for such purposes as the Council may deem necessary with the view of assisting it in the effective exercise and performance of its powers and duties. The following Committees have been established by the Council-
  - 6.5.1. Audit, Risk, Ethics & Disclosures Committee (AREDC);
  - 6.5.2. Human Resources & Remuneration Committee (HR & REMCO);
  - 6.5.3. IT Review Committee (ITRC);
  - 6.5.4. Complaints & Compliance Committee (CCC); and

6.5.5. Consumer Advisory Panel (CAP)

6.6. The full structure of the Authority as it currently exists, is attached hereto.

6.7. Below is the description of the organisational structure of the Authority



**Figure 1 - ICASA Structure**

**7. POWERS, DUTIES AND FUNCTIONS OF THE AUTHORITY**

- 7.1. Section 192 of 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.
- 7.2. ICASA is a Chapter 9 institution (an institution which supports democracy) in terms of the South African Constitution and is a portfolio organisation of the Department of Communications and Digital Technologies.
- 7.3. The Authority’s mandate is to regulate broadcasting, postal services and electronic communications in South Africa and is contained in the following legislation –
  - 7.3.1. ICASA Act;
  - 7.3.2. Electronic Communications Act (Act No. 35 of 2005), as amended (“the EC Act”);
  - 7.3.3. Broadcasting Act (Act No. 4 of 1999) (“the Broadcasting Act”); and
  - 7.3.4. Postal Services Act (Act No. 24 of 1998) (“the Postal Services Act”),
- 7.4. In addition, ICASA falls under schedule 1 of the Public Finance Management Act (Act No. 1 of 1999) (“the PFMA”) and is an organ of state, which is bound by the Bill of Rights.
- 7.5. The Authority is responsible for regulating in the public interest and ensuring affordable services of a high quality for all South Africans. The Authority also issues licences to telecommunications and broadcasting service providers, enforces compliance with rules and regulations, protects consumers from unfair business practices and poor-quality services, hears and decides on disputes and complaints brought against licensees and controls and manages the effective use of radio frequency spectrum.
- 7.6. ICASA is mandated to fulfil the following functions-
  - 7.6.1. To license broadcasters, signal distributors, providers of telecommunication services and postal services;
  - 7.6.2. To make regulations;
  - 7.6.3. To impose licence conditions;
  - 7.6.4. To plan, assign, control, enforce and manage the frequency spectrum;
  - 7.6.5. To ensure international and regional co-operation;
  - 7.6.6. To ensure the efficient allocation of numbers;
  - 7.6.7. To ensure interoperability of networks;
  - 7.6.8. To receive and resolve complaints from the public;
  - 7.6.9. To create competition in the telecommunications, broadcasting and postal industries;
  - 7.6.10. To promote the attainment of universal service and access.
- 7.7. The Information Officer of the Authority or the Office of the Authority can be contacted to access the aforementioned services. The Authority’s website, <https://www.icasa.org.za>, can also be consulted in this regard.

**8. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF ICASA**

- 8.1. The Chief Executive Officer is, accordingly, the Information Officer of the Authority for the purposes of the Act and has delegated her powers and duties, in terms of section 17(3) of the Act, to the Deputy Information Officers listed in paragraph 8.2.2.
- 8.2. When placing a request for information in terms of the Act, please direct the request to the designated Deputy Information Officer as set out below in paragraphs 8.2.1 and 8.2.2, respectively. The relevant contact details are as follows -
  - 8.2.1. Information Officer

Division	Telephone	Email
Office of the CEO	+27 (12) 568 3963	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>



8.2.2. Deputy Information Officers

Division	Telephone	Email
Executive: Corporate Services	+27 (12) 568 3585	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Chief Information Officer: Information and Technology	+27 (12) 568 3602	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Chief Financial Officer: Finance	+27 (12) 568 3607	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Human Resources	+27 (12) 568 3745	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Chief Audit Executive: Internal Audit	+27 (12) 568 3608	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Legal, Risk & CCC	+27 (12) 568 3563	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Licensing and Compliance	+27 (12) 568 3197	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Policy, Research and Analysis	+27 (12) 568 3183	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Engineering & Technology	+27 (12) 568 3285	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Executive: Regions and Consumer Affairs	+27 (12) 568 3984	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>
Secretariat: Council & Secretariat	+27 (12) 568 3584	<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>

- 8.3. Requests for information may be made online or, alternatively, in the following manner -
- 8.3.1. printing a formal request form (Form 02) which is available on the Authority’s website, <https://www.icasa.org.za/legislation-and-regulations/forms>, or which may be requested from any of the Deputy Information Officers;
- 8.3.2. filling in all the required fields in the request form, or rewriting the details in a separate email; and
- 8.3.3. sending the completed request for information to one of the addresses listed below -

Postal Address	Physical Address
Independent Communications Authority of South Africa Private Bag X10 Highveld Park 0169	Eco-Point Office Park, Block B 350 Witch-Hazel Avenue Eco Park Centurion 0144
E-mail	Telephone
<a href="mailto:PAIA@icasa.org.za">PAIA@icasa.org.za</a>	+27 (12) 568 3000/3001

- 8.4. The Authority will, subject to paragraph 8.6, respond within 30 days regarding whether the information requested -
- 8.4.1. is accessible; and
- 8.4.2. how and where the requester may collect it.
- 8.5. 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.
- 8.6. 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 -
- 8.6.1. the period of such extension;
- 8.6.2. adequate reasons for the extension; and
- 8.6.3. 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.

8.7. 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 13 of this Manual.

## **9. REMEDIES AVAILABLE IF PROVISIONS OF PAIA ARE NOT COMPLIED WITH OR IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE AUTHORITY**

9.1. The Authority is not the kind of a public body where there is an internal appeal process, as referred to in paragraph (a) of the definition of “public body” in section 1 of the Act.

9.2. If the requester or third party is aggrieved by the decision of the Information Officer, he or she may lodge a complaint with the Information Regulator in the prescribed format within 180 days of the decision.

## **10. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS THE GUIDE**

10.1. Section 10 of the PAIA requires a guide to be published by the Information Regulator (South Africa) with regard to reasonable requests by a person wishing to exercise or protect any rights in terms of the Act. Queries in this regard can be directed to the following contact details of the Information Regulator:

**Postal Address:** P.O. Box 31533  
Braamfontein  
Johannesburg  
2017

**Business Address:** The Information Regulator (South Africa)  
JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001  
Email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)  
Website: [www.inforegulator.org.za](http://www.inforegulator.org.za)

10.2. The Guide may be obtained from the Information Regulator (South Africa) through the contact details provided under paragraph 10.1 above.

## **11. HOW TO REQUEST ACCESS TO INFORMATION HELD BY THE AUTHORITY**

The following steps must be considered before submitting a request -

### **11.1. Step 1: Is the requester entitled to use the Act to request access?**

#### 11.1.1. 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.”

(a) 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.

(b) 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).

#### 11.1.2. Manifestly frivolous or vexatious, or substantially or unreasonably diverts resources

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].”

### **11.2. Step 2: Does the information requested exist in the form of a record?**

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

11.2.2. 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.

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

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

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

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

- (a) an official of the Authority in his/her capacity as such; or
- (b) an independent contractor engaged by the Authority in the capacity of such contractor, is regarded as being a record of that public body.

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

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

**11.5. Step 5: Prescribed Form of Request**

11.5.1. In terms of section 18 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 02 available on the Information Regulator’s website [here](#)) which must be submitted to the Information Officer or Deputy Information Officer(s) by hand, post or per e-mail, as specified in paragraph 8.3 above.

11.5.2. 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.

11.5.3. Any person who would like to submit information using an MS Word version of the request form, may send an e-mail to the Information Officer or Deputy Information Officer(s) requesting that a copy be sent to the requester by e-mail.

11.5.4. 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 Information Officer or Deputy Information Officer(s). The requester is also required to indicate the form of access to the relevant records that is required, and to provide his or her or its contact details in South Africa.

11.5.5. For the purposes of Form 02, the requester must comply with all the procedural requirements in the Act relating to a request for access to the relevant records.

11.5.6. An oral request for access to a record(s) may be made if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officers will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.

**12. CONSIDERING THE REQUEST**

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

- 12.1.1. all the procedural requirements set out in the Act relating to a request are met; and
- 12.1.2. access to the requested record(s) is not refused in terms of any ground for refusal set out in the Act.

12.2. 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 –

- 12.2.1. access would result in the unreasonable disclosure of personal information about a third party;
- 12.2.2. a record contains information which was obtained or is held by the South African Revenue Service for the purposes of enforcing legislation;
- 12.2.3. it is necessary to protect the commercial information of a third party;
- 12.2.4. it is necessary to protect the confidential information of a third party;
- 12.2.5. it is necessary to protect the safety of individuals or property;
- 12.2.6. a record constitutes privileged information for the purpose of police dockets in bail proceedings, law enforcement and legal proceedings;

- 12.2.7. a record could reasonably be expected to cause prejudice to the defence, security or international relations of South Africa;
- 12.2.8. a record would likely materially jeopardise the economic interests or financial welfare of South Africa;
- 12.2.9. it is necessary to protect the research information of a third party or the Authority itself; and
- 12.2.10. the request for access to a record is manifestly frivolous or vexatious or is a substantial and unreasonable diversion of resources.

- 12.3. Access to documents may also be refused on the basis of professional privilege.
- 12.4. 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 Information Officer or Deputy Information Officers will notify the requester that it is not possible to give access to that record by way of an affidavit or affirmation.
- 12.5. 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.
- 12.6. 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.

**13. PAYMENT OF FEES**

- 13.1. For the following provisions of this paragraph 13, 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”.
- 13.2. A requester must pay a request fee as prescribed by the Information Regulator. 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.
- 13.3. A requester is exempted from paying the request fee to the Authority if: -
  - 13.3.1. the requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year, or
  - 13.3.2. the requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.
- 13.4. 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 contained in the Promotion of Access to Information Act: Regulation: [Promotion of Access to Information](#) (27 August 2021), which Regulations are available on the Information Regulator’s website..
- 13.5. In addition, if the search for and preparation of the record or records requested takes more than six hours, the Authority may charge an additional fee for each hour or part thereof as prescribed in the Regulations, which is required for the search for and preparation of the records.
- 13.6. 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.
- 13.7. 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 Authority

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

14. 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.

14.1. Records in the Possession of the Authority, which are automatically available in terms of section 15(1)(a) of the Act:

14.1.1. Certain records are automatically 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](http://www.icasa.org.za).

- (a) The information uploaded to the ICASA website which includes –
  - legislation pertaining to the broadcasting, telecommunications, and postal service industry,
  - decisions made by the Authority,
  - reasons for the decisions made by the Authority, and
  - documentation on available tenders and bid documentation;
- (b) Information booklets;
- (c) Pamphlets;
- (d) Posters;
- (e) Newsletters;
- (f) Forms;
- (g) Other marketing and informative materials relating to the functions and services of the Authority;
- (h) CCC Judgments;
- (i) Annual Performance Plans;
- (j) Strategic plans; and
- (k) Annual Reports.

14.2. Records that may be requested in terms of section 14(1) (b) (iii) of the Act

- 14.2.1. The Authority holds information pertaining to the following subjects and categories, which must be formally requested in terms of the Act.
- 14.2.2. 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.
- 14.2.3. The following are the categories for which a formal request must be made to the Authority, and those which are readily available on the ICASA website –

Categories of records	Description of records held	Description of records that are readily available
Office of the Chief Executive Officer	<ul style="list-style-type: none"><li>Organisational policies and procedures</li><li>Delegation of Authority</li><li>Project related information</li></ul>	<ul style="list-style-type: none"><li>ICASA annual reports and parliamentary presentations</li><li>ICASA strategic plans and annual performance plans</li></ul>
Secretariat	<ul style="list-style-type: none"><li>Corporate Governance information</li><li>Minutes of Governance Committees - AREDC, ITRC, HR&amp;REMCO</li><li>Annual work plan for Council Committees</li><li>Terms of Reference for Committees</li><li>Attendance Registers for Committee meetings</li><li>Declarations of Interest Registers for Committee meetings</li></ul>	<ul style="list-style-type: none"><li>Decisions from Council</li><li>Relevant statutory reports</li></ul>

<b>Corporate Services Division</b>	<ul style="list-style-type: none"> <li>• Occurrence book</li> <li>• Access control register</li> <li>• Application form for ID card/enrolment</li> <li>• Acknowledgement of debt for cards or keys</li> <li>• Application form for access to executive suite</li> <li>• Key control register</li> <li>• Key control inventory register;</li> <li>• Work Schedule</li> <li>• Fire equipment inspection</li> <li>• Security policy</li> <li>• Access control procedure</li> <li>• Records management policy</li> <li>• Occupational Health and Safety Act Policy</li> <li>• Firearm control procedure</li> <li>• Firefighting and prevention procedure</li> <li>• Locks and control procedure</li> <li>• Contingency plan</li> <li>• Communication security procedure</li> <li>• Operational emergency plan</li> <li>• Personnel Security Procedure</li> <li>• Minimum Information Security Standard Document)</li> </ul>	<ul style="list-style-type: none"> <li>• Memoranda of Understanding with international bodies</li> <li>• Newsletters</li> <li>• Publicity, media, publications, and marketing material</li> <li>• Events and functions</li> </ul>
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• Application form for access to server room</li> <li>• IT Strategy</li> <li>• Project Management Charter</li> <li>• Project Management Process</li> <li>• Architecture Policy</li> <li>• Architecture Charter</li> <li>• Master System Plan</li> <li>• System design documents</li> <li>• ICT policies, procedures, and standards</li> <li>• Records of internal call</li> <li>• Process within Business Support</li> <li>• Equipment standards (Architecture)</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Finance Division</b>	<ul style="list-style-type: none"> <li>• Finance Policies</li> <li>• Record of payments in Payroll (Finance: Payroll/Remunerations) for key management personnel from General Manager level upwards</li> <li>• Budgets (Finance: Budgets &amp; Planning)</li> <li>• Financial Statements (Finance: Accounting) other than Audited Annual Financial Statements</li> <li>• Finance quarterly reports</li> <li>• Creditor's statements and invoices (Finance: Accounting)</li> <li>• Records of payments to creditors (Finance: Accounting) and claims (Finance Treasury)</li> <li>• Insurance claim files (Finance: Actuarial and insurance)</li> <li>• Supply Chain Policies</li> <li>• Contracts Database</li> <li>• Supplier Database</li> <li>• Service Level Agreements, and other agreements and contracts</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Human Resources Division</b>	<ul style="list-style-type: none"> <li>• Human Resources policies and procedures</li> <li>• Personnel files</li> <li>• Employment contracts</li> <li>• REMCO reports and salary benchmark reports</li> <li>• CCMA and Labour Court records pertaining to labour disputes</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Policy Research &amp; Analysis Division</b>	<ul style="list-style-type: none"> <li>• Submissions of completed questionnaires to the ITU, CRASA and other regional and international bodies (ICT Sector Reports)</li> <li>• Policy, Research and Analysis Policies &amp; Procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Sector forecasting reports</li> <li>• Retail tariff reports</li> <li>• Cost models</li> <li>• Discussion documents, findings documents and position papers</li> <li>• Regulations on ICT and postal matters</li> </ul>



<b>Internal Audit Division</b>	<ul style="list-style-type: none"><li>• Internal Audit reports</li><li>• Internal Audit policies and procedures</li><li>• Internal Audit Manual</li><li>• Internal Audit Service Level Agreements</li><li>• Internal Audit Induction Pact</li><li>• Internal Audit Code of Ethics</li><li>• Internal Audit Charter</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
<b>Legal, Risk &amp; Complaints and Compliance Committee (CCC) Division</b>	<ul style="list-style-type: none"><li>• Litigation reports</li><li>• Compliance Reports</li><li>• PAIA Reports</li><li>• Policies and procedures</li><li>• Risk registers</li><li>• Complaints and Election Complaints</li><li>• Disaster Management Plan</li><li>• CCC Final Decisions</li><li>• Financial Disclosures reports</li></ul>	<ul style="list-style-type: none"><li>• Legislation impacting on ICASA</li><li>• Code of Conduct Compliance Reports</li></ul>
<b>Licensing and Compliance Division</b>	<ul style="list-style-type: none"><li>• Licensing Processes and Procedures</li><li>• The Terrestrial Broadcasting Frequency Plans</li><li>• Notices on re-categorisation of broadcasting frequency channels</li><li>• Licence Fee related information</li><li>• Policies, procedures, and processes</li><li>• Workflows</li></ul>	<ul style="list-style-type: none"><li>• Regulations</li><li>• Invitations to Apply</li><li>• Published Applications</li><li>• Published Representations</li><li>• Published Responses</li><li>• Licences</li><li>• Reason documents</li><li>• Public hearings-transcripts and presentations</li><li>• Licensees’ compliance reports</li><li>• License fees, renewals, transfers, and amendments</li><li>• Type approval forms, Frameworks, equipment database and fees</li></ul>
<b>Engineering &amp; Technology Division</b>	<ul style="list-style-type: none"><li>• Information on the technical issues of spectrum licences for Individual Electronic Communications Network Service licensees</li><li>• Information on the methods of spectrum management used in broadcasting and other radio communications</li></ul>	<ul style="list-style-type: none"><li>• Radio Frequency Spectrum related Regulations</li><li>• Quality of service reports</li><li>• The National Radio Frequency Plan</li></ul>
<b>Regions and Consumer Affairs Division</b>	<ul style="list-style-type: none"><li>• Health and safety records</li><li>• Pre-assigned application records</li><li>• Sealing and seizure records</li><li>• Cases reported to SAPS on illegal operators</li><li>• Licensees authorized by ICASA</li><li>• Vehicle information</li><li>• Public meeting records</li><li>• Frequency bands users and operator records</li><li>• Complaints Manual Form</li><li>• Information brochures and pamphlets</li><li>• Consumer regulations</li><li>• Disability Consultative Forum reports and terms of reference</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

**15. PERSONAL INFORMATION**

- 15.1. 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.
- 15.2. In terms of the Protection of Personal Information Act 4 of 2013, a requester to whom certain personal information relates may request the Authority to confirm, free of charge, whether the Authority holds personal information about that particular requester.
- 15.3. 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 –

- 15.3.1. within a reasonable time,
- 15.3.2. in a reasonable manner and format,
- 15.3.3. at a fee, and in a form that is generally understandable.

15.4. Purpose of the processing of personal information:

- 15.4.1. Consideration of licence applications;
- 15.4.2. Licensee’s contact details;
- 15.4.3. Talent sourcing processes;
- 15.4.4. Procurement processes and contract management;
- 15.4.5. Human resource records including provident fund requirements;
- 15.4.6. Adjudication of matters at the Complaints and Compliance Committee;
- 15.4.7. Any other purpose in order to meet the Authority’s mandate.

15.5. Categories of data subjects and information:

- 15.5.1. A description of the categories of data subjects and their personal information we collect, hold and process are outlined in the table below:

Categories of Data Subjects	Personal Information we collect, hold and process
Employees and Councillors	<ul style="list-style-type: none"><li>Names and Surnames, Contact Details, ID Numbers, Gender, Race, Bank Details, Employee Benefits Details such as Medical Aids, Pension Funds, etc., Disability Status,</li></ul>
Licensees	<ul style="list-style-type: none"><li>Names and Surnames, Company Name (where applicable), Organisation/Association Name (where applicable), Contact Person Name and Surname, Contact Details, Postal/Residential/Installation Addresses, ID Numbers, Passport Numbers, Company Registration Numbers, Copies of ID/Passport/Company Registration Documents, Company VAT Number, Company Tax Number, Email Addresses, Fees Invoiced and Paid.</li></ul>
Complainants	<ul style="list-style-type: none"><li>Name and Surnames, ID Numbers, Contact Numbers, Addresses Postal and Physical, Email Addresses, Provinces, Service Provider’s Account numbers, Name of Network Service Providers, Reference and Tracking Numbers from Service Providers, Bank statements.</li></ul>
Service Providers	<ul style="list-style-type: none"><li>Company Names, Company Registration Numbers, Directors Names and Contact Details, Income Tax and VAT Information, BEE details, Banking Details</li></ul>

15.6. Recipients to whom personal information may be supplied:

- 15.6.1. Human Resources;
- 15.6.2. Licensing and Compliance;
- 15.6.3. Secretariat;
- 15.6.4. Corporate Services;
- 15.6.5. Legal, Risk & CCC;
- 15.6.6. Engineering and Technology;
- 15.6.7. Complaints and Compliance Committee;
- 15.6.8. Internal Audit;
- 15.6.9. Service Providers of ICASA requiring personal information to render services procured;
- 15.6.10. Regulators, Courts, Tribunals and Law Enforcement Agencies;
- 15.6.11. Stakeholders involved in the services rendered by our organisation;
- 15.6.12. Relevant South Africa Government Institutions; and
- 15.6.13. Auditor General South Africa.

15.7. Planned transborder flows of personal information:



- 15.7.1. There may be instances where ICASA may be required to transfer personal information to third parties located in a country outside of South Africa for any lawful purpose in the execution of the Authority's mandate.
- 15.7.2. In such instances, the Authority will ensure that anyone to whom it passes personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Authority is obliged under POPIA.

15.8. General description of information security measures:

- 15.8.1. There currently is an IT Security Policy in place that governs how access to each system is managed.
- 15.8.2. Strict password policies are 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 three times, the user account is disabled.
- 15.8.3. Access rights to key systems are audited quarterly to ensure that individuals have the correct permissions applicable to their job function.
- 15.8.4. We take appropriate and reasonable technical and organisational measures to prevent any unauthorised or unlawful access, loss of, damage to, or unauthorised destruction of personal information.
- 15.8.5. We regularly verify that the safeguards are effectively implemented and ensure that they are continually updated.

## 16. SERVICES AVAILABLE

### Nature of services

16.1. The Authority provides services in terms of its mandate that include –

- 16.1.1. Grant, renew, amend, transfer and revoke licences;
- 16.1.2. Develop, monitor, and enforce compliance with licence conditions and regulations;
- 16.1.3. 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;
- 16.1.4. 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;
- 16.1.5. Make regulations on matters consistent with the objects of the relevant legislation;
- 16.1.6. Inspect electronic communications apparatus used for electronic communications;
- 16.1.7. Undertake inquiries on any matter within its jurisdiction;
- 16.1.8. Investigate and adjudicate complaints submitted to the Authority in terms of the relevant legislation and licence conditions;
- 16.1.9. Exercise powers and perform duties of the Authority in terms of the relevant legislation.

### How to gain access to these services

16.2. 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:

- 16.2.1. Submitting an application for any of the activities regulated by the Authority;
- 16.2.2. Taking part in public hearings and submitting written comments when provided with such notice;
- 16.2.3. Lodging complaints with the Authority or the CCC.

16.3. More information on the Authority and the services available can be accessed in the following manner:

- 16.3.1. Visiting the Authority's website at [www.icasa.org.za](http://www.icasa.org.za);
- 16.3.2. Visiting the Authority's library located at its head office at:

Eco-Point Office Park  
350 Witch-Hazel Avenue  
Eco Park, Centurion  
0169; or

16.3.3. Telephonic contact to the Authority library for inquiries at +(12) 568 3000.

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

16.4.1. 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.

## **17. REMEDIES FOR A REFUSAL TO REQUEST FOR INFORMATION**

17.1. 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.

17.2. Where a request is refused, an aggrieved requester may submit a complaint to the Information 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.

17.3. The Court will determine whether the records should be made available or not.

17.4. 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 –

17.4.1. the amount of fees required to be paid; and/or

17.4.2. the extension of the period which the information will be furnished.

17.5. All legal process must be served on the office of the Executive: Legal, Risk & CCC.

## **18. UPDATING OF THE MANUAL**

This manual will be updated annually or as and when is necessary.

## **19. AVAILABILITY OF THE MANUAL**

19.1. The Manual will be available at the following –

19.1.1. The Authority's website; and

19.1.2. The Authority's library during normal business hours.

19.2. This Manual will also be made available to any person on request, and upon payment of a reasonable amount.