

**My Mobile Limited**

**Access to Information Manual**

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# 1 Overview and Introduction

## 1.1 The Promotion of Access to Information Act

The Promotion of Access to Information Act, 2 of 2002 (PAIA), was legislated to give effect to the South African Constitutional right of access to information held by the state and information that is held by another person. The Act facilitates access to information that is required to exercise or protect a right.

My Mobile Limited, as a private body defined in the Act, is bound to give effect to the purposes of this legislation and to process a request made in terms of the Act.

This information manual (Manual) provides an outline of the types of records held by My Mobile Limited and explains how a request for access to the records should be made.

## 1.2 The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is the national institution established to entrench constitutional democracy and appointed to administer the Act. Should you require further information please visit the Commission's website <http://www.sahrc.org.za>.

## 1.3 About My Mobile

My Mobile is a privately held company incorporated in and subject to the laws of England and Wales.

My Mobile offers worldwide airtime auction services online at <http://www.trada.net>. As these services are available to South African consumers, My Mobile, endeavours to comply with South African legislation, which includes the right of access to information.

<b>My Mobile Limited</b>	
Name	My Mobile Limited
Legal status	Privately held company
Physical address and the address for receipt of legal service of documents	Charter Place 23 / 27 Seaton Place  St Helier  Jersey  JE1 1JY
Postal address	Charter Place  23 / 27 Seaton Place  St Helier

	Jersey JE1 1JY
Phone numbers	+44 (0)1524 835 835
Facsimile number	+44 (0)1534 835 888
Website address	<a href="http://www.trada.net">http://www.trada.net</a>
Email address	<a href="mailto:enquiries@UVLtrading.com">enquiries@UVLtrading.com</a>
Company registration number	1346104
VAT registration number	4780246692
Place of registration	Jersey
Directors and office bearers	Richard Michael Kearsney Brian Hamilton Morris
Membership of self-regulatory / accreditation bodies	
Codes of conduct subscribed to	<a href="http://www.waspa.org.za">http://www.waspa.org.za</a> <a href="http://www.dmasa.org">http://www.dmasa.org</a>
URL to code of conduct	<a href="http://www.waspa.org.za/code/waspa_coc_11.0.pdf">http://www.waspa.org.za/code/waspa_coc_11.0.pdf</a> <a href="http://www.dmasa.org/dmasa/dma_load.php?str=1/10/17">http://www.dmasa.org/dmasa/dma_load.php?str=1/10/17</a>
Full price of goods and services	<a href="http://www.trada.net">http://www.trada.net</a>
Manner of payment	EEB, LBB, credit cards
Terms of agreement and URL to access terms	<a href="http://www.trada.net">http://www.trada.net</a>
Times for dispatch of goods and performance of services	<a href="http://www.trada.net">http://www.trada.net</a>
Manner and period to access transaction records	<a href="http://www.trada.net">http://www.trada.net</a>
Return and refund policy	<a href="http://www.trada.net">http://www.trada.net</a>
Alternative dispute resolution code subscribed to	<a href="http://www.waspa.org.za">http://www.waspa.org.za</a>
Access to alternative dispute resolution code	<a href="http://www.waspa.org.za/code/waspa_coc_11.0.pdf">http://www.waspa.org.za/code/waspa_coc_11.0.pdf</a>
Security procedures and privacy policy	<a href="http://www.trada.net">http://www.trada.net</a>

Minimum duration of agreements	NA
Cooling-off rights	5 business days <a href="http://www.trada.net">http://www.trada.net</a>



## 2 Access to Information Officer

Access to Information Officer	
Name	
Phone Number	
Facsimile Number	
Email Address	

Defs: "Legal Officer" means the person appointed by the IP to fulfil the function of an Information Officer or Privacy Officer or Consumer Protection Rights Officer in South Africa.

### LEGAL OFFICER

Appointment. On the Effective Date, the IP will appoint a Legal Officer a suitably qualified and responsible person to act as their Legal Officer.

Function. The Legal Officer will be responsible for dealing with all issues and complaints directed at STS arising from the IP Services.

Location. The Legal Officer shall be provided with an office at STS's premises and must be available during Business Hours to deal with all issues and complaints directed to it by STS.

### 3 How to Access the My Mobile Access to Information Manual

The My Mobile Access to Information Manual is available on the company website at <http://www.trada.net>.

As My Mobile's services in South Africa are made available through aggregation services provided by Smartcall Technology Solutions (Pty) Limited (Smartcall: <http://www.smartcalltech.co.za>), a copy of the Access to Information Manual may be requested from Smartcall by email at info@ or by calling...

The Manual may also be inspected at the SAHRC.

Requests for records held by My Mobile must be made on the request form in **Appendix A** below.

Please note that requests for access to information require payment of the prescribed fees set out in **Appendix B** below.

The Manual will be updated from time to time, as required.



## 4 Records held by My Mobile

My Mobile creates and maintains records in the categories set out below. Not all of these records will be available on request. Each request will be individually assessed on a case-by-case basis in accordance with the provisions of the Act.

As My Mobile provides airtime auction services to South African consumers, the company is required to keep the following records in terms of the Consumer Protection Act, 68 Of 2008 and the Regulations under the Consumer Protection Act.

### 4.1 Records under the Consumer Protection Act and Related Regulations.

- Records of the manner of access to transaction records and communications;
- Records of the retention periods for transaction records and communications;
- Records of transactions rescinded following direct marketing;
- Records of sales for goods and services auctioned;
- Records of business relationships and activities;
- Records of the conduct of auctions;
- Records of prepaid certificates, cards, credits, vouchers and similar devices issued;
- Records of alternative dispute resolution;
- Records of personal information of consumers including full name, identity and passport numbers, physical address, email address and mobile phone numbers;
- Records of lost or destroyed records and explanations of the cause of loss and destruction;
- Records of the registration of bidders and prospective bidders;
- Records of the costs of advertising and conducting auctions;
- Records of the physical premises, domain names and internet protocol addresses for websites and .mobi sites where auctions were held;
- Records of bidder numbers in the form of mobile telephone, MSISDN and SIM numbers;
- Records of the Vendor's roll including advertising, rules of auction, bidders record and declarations relating to trust account and ownership of goods and services auctioned;
- Records of the names of successful bidders, goods or services bought and the prices paid;
- Records of the details of challenges to the validity or conduct of an auction;
- Records of the internet, website, electronic medium or platform where records can be accessed;



- Records of correspondence with the Consumer Protection Commission;
- Records of correspondence with self-regulatory consumer protection bodies;
- Records of transaction billing for bearer services including WAP, USSD, IVR, SMS and MMS;
- Records of consumer opt-in and opt-outs; and
- Records of logs of consumer transactions.

## 4.2 Internal Records

- Financial records;
- Operational records;
- Marketing records;
- Intellectual property records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of My Mobile.

## 4.3 Human Resource Records

Human resource records are those relating to employees and other persons that are remunerated by My Mobile. This category includes temporary and permanent staff and management as well as consultants and contractors:

- Personal records provided to My Mobile by the categories of persons mentioned above;
- Personal records provided to My Mobile by third parties;
- Employment and contractor records;
- Correspondence;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records.

#### 4.4 Customer Records

These may include the following records a customer has submitted to My Mobile or a third party acting for or on behalf of My Mobile:

- Credit records or other research conducted by My Mobile;
- Personal and customer information submitted through websites;
- Information on customer activities and preferences;
- Records a third party has submitted to My Mobile either directly or indirectly; and
- Records generated by or within My Mobile pertaining to customers. This may include, but not be limited to, transactional records.

#### 4.5 Other Parties and other Records

Records are kept in respect of other parties such as commercial banks, auditors, suppliers, joint venture companies and the like. Furthermore, such parties may possess records which can be said to belong to My Mobile. The following records fall under this category:

- Personnel, customer, or My Mobile records which are held by another party as opposed to being held by My Mobile; and
- Records held by My Mobile pertaining to other parties. This may include, but not be limited to, financial records, correspondence and contractual records.

## **5 Prior to Submitting a Request for Access Information**

Prior to submitting a request for access to information, please consider the steps outlined below.

### **5.1 Does the Promotion of Access to Information Act Apply**

Before you can request access to information, it must be established that the PAIA applies.

Section 7 (1) of the Act states that the PAIA does not apply to a record if the record is requested for the purpose of criminal or civil proceedings, requested after the commencement of such proceedings and the production of access to a record for such purposes is provided for in any other law.

If this is the case, you may need to use the rules of court and procedures for legal discovery of information in the relevant forum and proceedings in which you are involved.

### **5.2 Does the Information Requested Exist as a Record?**

The Act only applies to records that exist at the time a request for access to the record is made. The Act does not require anyone to create a record following a request. Nor can the Act be used to request reasons for decisions taken by My Mobile.

### **5.3 Is the record in the possession or under the control of My Mobile?**

The Act takes into consideration the fact that records requested may no longer be in the possession of or under the control of My Mobile and are therefore not available following a request.

If this is the case, you may need to seek access to a record from a third party that either possesses or controls it. It is also possible that the record has ceased to exist or never existed in the first place.

### **5.4 Is the PAIA process necessary?**

Prior to making a request for access to information through the PAIA process please consider asking for the information as a matter of course.

This would require identifying an appropriate person within My Mobile who may or may not be the designated Access to Information Officer and simply asking them for the information prior to resorting to legal process.

## 6 How to Submit a Request for Access to Information

Please complete **Appendix A** of this Manual as well as referring to **Appendix B** which details the prescribed fees.



## 7 Prescribed Fees

The Act provides for two types of fees. These are:

- A standard request fee; and
- An access fee which must be calculated in relation to the search, preparation, reproduction, time and postal service costs involved.

### 7.1 On Making the Request

The person making the request for access to information must pay the prescribed fee of R50.00 (Fifty South African Rand) before submitting a request and provide proof of payment. The proof of payment must accompany the request form for access to information.

If the search, preparation and arrangements needed to make the record available require more time than prescribed in the regulations for this purpose the Access to Information Officer will request a further payment and may withhold a record until such amount is paid.

Where access to a record has been granted the person making the request must pay an access fee for the following:

- Reproduction of the record;
- Search and preparation of the record; and
- Time reasonably expended in excess of the prescribed hours set out for these purposes.

A refund may be requested for deposits if access to information is denied.

### 7.2 Consideration of the Request

Subject to the provisions of the Act in respect of the extension of time period, the request for information will be processed within thirty (30) days. Thereafter, you will be informed in writing as to whether access has been granted or denied.

The grounds for My Mobile to refuse a request for information are related to the following:

- The Act provides for the mandatory protection of the privacy of a third party natural person where disclosure would be unreasonable;
- The Act provides for the mandatory protection of commercial information of third parties where disclosure, if the record contains trade secrets, financial, commercial, scientific or technical information and the like, would be likely to cause harm to the third party or where information disclosed in confidence by a third party could result in disadvantage to third party negotiations and commercial competition;
- The Act provides for the mandatory protection, if protected in terms of an agreement, of confidential information of third parties;
- The Act provides for the mandatory protection of the safety of individuals and property;
- The Act provides for the mandatory protection of records that would be regarded as privileged in legal proceedings; and

- My Mobile’s commercial activities where the disclosure of such activities’ records, including, but not limited to trade secrets, financial, commercial and technical information, are likely to cause harm to My Mobile in its commercial negotiations or in the commercial marketplace.

### **7.3 Remedies**

My Mobile does not have an internal appeal process. The decision made by the Access to Information Officer is final. If your request is denied you are entitled to apply to a competent court for relief.



## Appendix A - Request Form for Access to Information of a Private Body

This annexure must accompany the cover letter addressed to the Access to Information Officer.

### A. For the attention of:

Access to Information Officer	
Name	
Phone Number	
Facsimile Number	
Email Address	

### B. Particulars of the person requesting access to the record:

Person Requesting Information	
First name(s)	
Family name	
Identity number	
Proof of capacity in which the request is made (if applicable), and / or whether the request is made on behalf of another person.	
Postal address	
Physical address	
Email address	
Phone number	
Facsimile number	

### C. Particulars of person on whose behalf the request is made:

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

<b>Request on behalf of another</b>	
First name(s)	
Family name	
Identity number	

**D. Particulars of the records requested:**

<b>The Record(s)</b>	
<p>Please provide details of the record(s) to which access is requested which will assist My Mobile in locating the record. This may include reference numbers, dates, persons involved, etc.</p> <p>If more space is needed than this form provides, please attach a separate page(s) and sign all additional pages.</p>	





## E. Fees and exemptions

A request for access to records other than a record containing personal information about you will only be processed after the request fee has been paid. You will be notified of the amount required. 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 the record for transmission to you.

If you seek an exemption from payment of prescribed fees please provide reasons below.

Reason(s) for exemptions	
Reason 1	
Reason 2	

## F. Form of the access to the record

If you suffer from a disability and / or require the record in any particular form please provide details below and we will do our best to accommodate you.

Form of the record	
Disability	
Form in which the record is required	
Copy of the record	
Inspection of the record	
The viewing of images	
Copy of images	
Transcription of images or sound	
Conversion of written word to sound	
Recorded soundtrack	
Printed copy of information derived from record	
Computer readable form, such as stiffer disc or compact disc	
Other	

*Note: We have retained terminology from the Act which refers to stiffer discs and other outdated media. Please note that in all instances, this will be regarded as equivalent to versions of*

*electronic information in any format as per the definition of 'data' in the Electronic Communications and Transactions Act, 25 of 2002.*

### G. Particulars of the right to be exercised or protected

Right(s)	
Please describe the right(s) you seek to exercise or protect.  If the space is insufficient please provide an extra page(s) as described above and sign it.	
Please describe why or how the record that is sought will be helpful in the exercise or protection of such right(s).	

### H. Notice of My Mobile's decision

You will be notified in writing as to whether your request for access to information has been approved or denied. Please confirm how you would like to receive this notification.

Notification of decision in writing	
By post to postal address	
By post to physical address	
By email	
By facsimile	

Signed at \_\_\_\_\_ this \_\_\_\_\_, day of \_\_\_\_\_ 201\_.

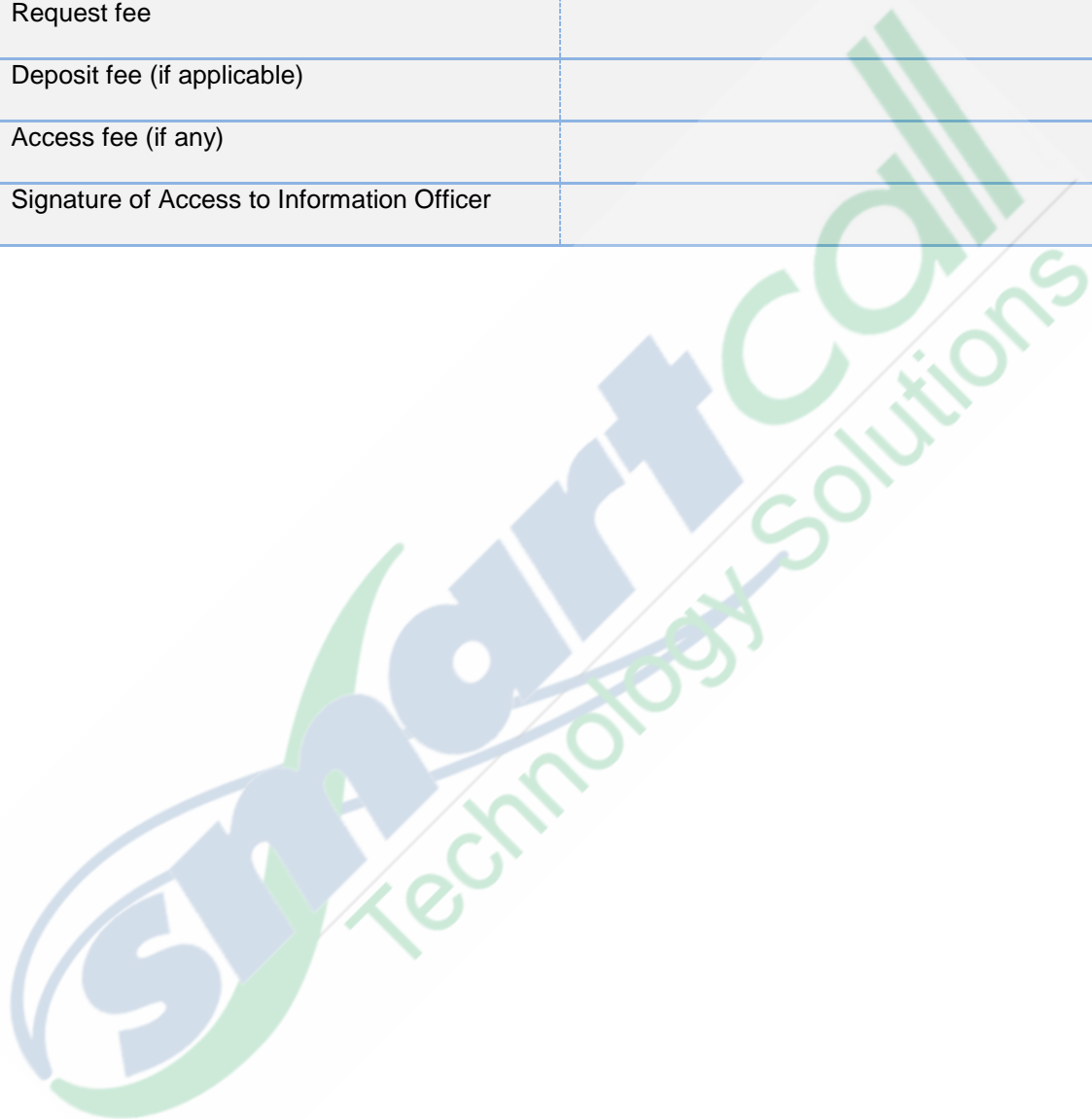
Signature of person requesting information.

\_\_\_\_\_

Signature of the person on whose behalf the request is made.

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<b>Internal My Mobile use only</b>	
Reference number	
Access to Information Officer	
Request fee	
Deposit fee (if applicable)	
Access fee (if any)	
Signature of Access to Information Officer	



## Appendix B – Fees in Respect of Private Bodies

Item	Reference	Record Description	Fee in ZAR
1.	Regulation 9(2)(c)	Copy of the Manual - for every photocopy of an A4-size page or part thereof	1.10
2.	Regulation 11(1)	Reproduction	
2(a)		For every photocopy of an A4-size page or part thereof	1.10
2(b)		For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0.75
2(c)		For a copy of a computer readable form on:	
		(i) stiffer disc	7.50
		(ii) compact disc	75.00
2(d)		(i) for a transcript of visual images on an A4 size page or part thereof	40.00
		(ii) for a copy of visual images	60.00
2 (e)		(i) for a transcription of an audio record on an A4 size page or part thereof	20.00
		(ii) for a copy of an audio record	30.00
3.	Regulation 11(2)	The request fee payable by a person requesting information other than the person himself or herself	50.00
4.	Regulation 11(3)	The access fee payable by a person requesting information	
4(1)(a)		For every photocopy of an A4 size page or part thereof	1.10
4(1)(b)		For every printed copy of an A4 size page or part thereof held on a computer or in electronic or	0.75

		machine-readable form	
4(1)(c)		For a copy in a computer readable form on:  (i) stiffer disc	7.50
		(ii) compact disc	70.00
4(1)(d)		(i) for a transcription of visual images on an A4 size page or part thereof	40.00
		(ii) for a copy of visual images	60.00
4(1)(e)		(i) for a transcription of an audio record on an A4 size page or part thereof	20.00
		(ii) for a copy of an audio record	30.00
4(1)(f)		To search for and prepare the records for disclosure	R30.00 per hour or part thereof (first hour excluded)
4.2	Section 54 (2) of the Act		
4.2(a)		Six hours are the hours to be exceeded before a deposit is payable; and	
4.2(b)		One third of the access fee is payable as a deposit by the person requesting information	
4.3		Actual postage is payable when a record must be posted to a person requesting information	