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Celerity PAIA Manual

Celerity Networks Corporation (Pty) Ltd

ALSO REFERRED TO AS "CELERITY"

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UPDATED:

Celerity Networks Corporation (Pty) Ltd ("Celerity") is a licensed open access fibre network provider whose network, enabling internet service providers to compete freely over the network to provide the best internet deals to the end user.

Celerity supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

Celerity as a private body, has compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in its environment and to ensure that members of the public have effective access to information in Celerity's possession which will assist them in the exercise and protection of their rights. A copy of this manual and the annexes are also available on our website at www.celerity.africa

This manual applies to Celerity Networks Corporation and all its subsidiaries.

INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000, as Amended) ("the Act"). Section 51 of the Act requires that we as a private body compile a manual, giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting their constitutional right to access to information.

1. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.
2. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
3. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with herein.
4. A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
5. The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to

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AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website www.celerity.africa or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

This Manual will be updated from time to time, as and when required.

DEFINITIONS, ACRONYMS AND ABBREVIATIONS

The following words or expressions will bear the following meanings in this Manual –

1. "CEO" means Chief Executive Officer
2. "Customer" means a natural or juristic person who or which receives services and/or products from Celerity;
3. "Data Subject" means the natural or juristic person to whom Personal Information relates;
4. "Employee" means any person who works for, or provides services to, or on behalf of Celerity, and receives or is entitled to receive remuneration;
5. "IO" or "Information Officer" means Celerity's designated information officer described in paragraph 6 of this Manual;
6. "Information Regulator" shall bear the meaning ascribed thereto in POPIA;
7. "Manual" means this manual, together with all annexures thereto as amended and made available on the website of Celerity and at the offices of Celerity from time to time;
8. "PAIA" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
9. "POPIA" means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder;
10. "Personal Information" has the meaning ascribed thereto under POPIA;
11. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
 - a. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - b. dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
 - c. merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning;
12. "Regulator" means Information Regulator; and
13. "Republic" means Republic of South Africa
14. "Requester" means any person or entity (including any Data Subject) requesting access to a record that is under the control of Celerity; and
15. "Third-Party" means any independent contractor, agent, consultant, sub-contractor or other representative of Celerity.

2. PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is useful for the public to-

1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
3. know the description of the records of the body which are available in accordance with any other legislation;

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4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
8. know the recipients or categories of recipients to whom the personal information may be supplied;
9. know if the body 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
10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. CONTACT DETAILS OF DESIGNATED INFORMATION OFFICER

Name of Private Body	Celerity Networks Corporation (Pty) Ltd and its subsidiaries
Designated Information Officer	Mpere Kobe
Email address of Designated Information Officer	mpere@celerityholdings.com
Email address to request information in terms of this Manual	info@celerityholdings.com
Physical address	Suite B 3 Carlswald Close Office Park 137 Seventh Road Carlswald Midrand 1685
Postal address	Suite B 3 Carlswald Close Office Park 137 Seventh Road Carlswald Midrand 1685
Phone number	+27 11 056 5118
Fax number	None

4. HOW TO USE PAIA TO ACCESS INFORMATION

1. PAIA grants a Requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request in terms of PAIA, the public body must be acting in the public interest.
2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, and at the prescribed fees.
3. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
4. The Guide can also be obtained-
 - a. upon request to the Information Officer;
 - b. from the website of the Regulator (<https://info regulator.org.za>).
 - c. You may also direct any queries to:

The Information Regulator of South Africa

- Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- E-mail: enquiries@info regulator.org.za
- Website: <https://info regulator.org.za>
- Tel: 010 023 5200
- Fax: 086 500 3351

5. VOLUNTARY DISCLOSURE AND INFORMATION AUTOMATICALLY AVAILABLE

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Celerity has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Celerity and its services is freely available on its website. Certain other information relating to Celerity is also made available on such website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

Information relating to Celerity's services are freely available on our website. Certain other information relating to Celerity is also made available on the website from time to time. Information in the form of marketing brochures, advertising material and other literature intended for public viewing is made available from time to time.

6. DESCRIPTION OF RECORDS HELD BY CELERITY

Celerity maintains records on the following categories and subject matters. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.

6.1. Records Held by Celerity

Applicable Legislation	Internal Records	Customer Records
Companies Act 71 of 2008	Memorandum and Articles of Association	Customer information includes the following:
Income Tax Act 58 of 1962	Human Resources	Any records a customer has provided to Celerity or a third party acting for or on behalf of Celerity;

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Value Added Tax Act 89 of 1991	Records held by officials of the Company	Contractual information;
Tax Administration Act 28 of 2011	Annual reports, strategic plan, annual performance plan.	Customer needs assessments;
Labour Relations Act 66 of 1995	Financial records	Personal records of customers;
Basic Conditions of Employment Act 75 of 1997	Operational records	Other research conducted in respect of customers;
Employment Equity Act 55 of 1998	Licences	Any records a third party has provided to Celerity about customers;
Skills Development Levies Act 9 of 1999	Intellectual property	Confidential, privileged, contractual and quasilegal records of customers;
Unemployment Insurance Act 30 of 1966	Internal correspondence	Customer evaluation records;
Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002	Product records	Customer profiling;
Criminal Procedure Act 56 of 1955	Statutory records	Performance research conducted on behalf of customers or about customers;
Films and Publications Act 65 of 1996	Internal policies and procedures	Any records a third party has provided to Celerity either directly or indirectly;
Occupational Health and Safety Act & Regulations: Act 85		Records generated by or within Celerity pertaining to customers, including transactional records; and
		Technical identifiers linked to the provision of services.
Marketing Records	Personnel Records	Other Uncategorised Records
Market information	Any personal records provided to Celerity by their personnel;	Information relating to Celerity's own commercial activities; and
Public customer information	Any records a third party has provided to Celerity about any of their personnel;	Research carried out on behalf of a client by Celerity or commissioned from a third party for a customer;
Product brochures	Conditions of employment and other personnel-related contractual and quasi-legal records;	Research information belonging to Celerity, whether carried out itself or commissioned from a third party.
Leads records	Internal evaluation records; and	
Social media accounts and history	Other internal records and correspondence	
Performance records		
Product sales records		
Marketing strategies		
Customer database		
Sales channel documents.		

6.2. Other Parties Records

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to Celerity. The following records fall under this category:

1. Personnel, customer or Celerity records which are held by another party as opposed to being held by Celerity; and
2. Records held by Celerity pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

6.3. Requesting Access To Information

If you wish to request access to any of the above categories of information, you are required to complete a request form (Form C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY). This form is available from:

1. Our Information Officer (whose contact details are provided in this manual);
2. Our website {{insert link to Form C}};
3. The Information Regulator (<https://info regulator.org.za>);
4. The SAHRC website (www.sahrc.org.za);
5. The Department of Justice and Constitutional Development website (www.doj.gov.za).

The form must then be sent to Celerity's Information Officer at info@celerityholdings.com. There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. You may also be charge additional fees prescribed by regulations for searching for and compiling the information which you have requested, including copying charges.

8. PROTECTION OF ACCESS TO INFORMATION

8.1. Purpose of Processing Personal Information

Celerity will use your personal information only for the purposes for which it was collected and agreed with you. In addition, where necessary your information may be retained for legal or research purposes. For example:

1. To gather contact information;
2. To enable the execution of contracts;
3. To confirm and verify your identity or to verify that you are an authorised user for security purposes;
4. For the detection and prevention of fraud, crime, money laundering or other malpractice
5. To comply with legal obligations imposed on the Company;
6. To conduct market or customer satisfaction research or for statistical analysis;
7. For audit and record keeping purposes; and
8. In connection with legal proceedings.

8.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

Entity Type	Personal Information Processed
Customers / Clients	Names of customers and contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Bank details, Registration Number; Founding documents; Tax related information (for example VAT numbers); Authorised signatories, beneficiaries, ultimate beneficial owners; Account IDs, usernames, email addresses, technical identifiers linked to services
Service Providers and Contractors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Bank details, Registration Number; Founding documents; Tax related information (for example VAT numbers); Authorised signatories, beneficiaries, ultimate beneficial owners; Account IDs, email addresses
Directors and Employees	Full names and gender; Marital Status; Race, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address;

8.3. The recipients or categories of recipients to whom the personal information may be supplied

The Company may supply the Personal Information to service providers who render the following services:

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Recipients or Categories of Recipients to whom the personal information may be supplied	Category of personal information
Law enforcement agencies and the South African Revenue Services	Law enforcement agencies and the South African Revenue Services or as otherwise directed by a court order.
South African Qualifications Authority	Qualifications, for qualification verifications
Credit Bureaus	Credit and payment history, for credit information
Service providers and contractors	Capturing and organising of data;
	Storing of data;
	Sending of emails and other correspondence to clients;
Upstream providers	Conducting feasibility surveys;
	Upstream service providers who require customer's data to configure and activate services;
Network operators, facilities providers	Who need to install their network infrastructure at the customer's premises;
Installers and contractors	Who need to install Celerity equipment at customer premises;
Couriers and other delivery service providers	Couriers tasked with collection of equipment on termination of services;
Lawyers, debt collection companies, court officials and tracing service providers;	Lawyers, debt collection companies, court officials and tracing service providers;

8.4. Planned transborder flows of personal information

1. Where transborder flows of Personal Information is required Celerity will :
2. Take steps to determine whether you are entitled to transfer personal information about a data subject to a third party in a foreign country.
3. Confirm that at least one of the additional requirements have been met:
 - a. the third party is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection of personal information;
 - b. the data subject consented to the transfer of the personal information to the third party in a foreign country;
 - c. the transfer is necessary for the performance of a contract between the data subject and your company, or for the implementation of pre-contractual measures taken in respect of a request by the data subject;
 - d. the transfer is necessary for the conclusion or performance of a contract concluded between your company and the third party in the interests of the data subject; or
 - e. the transfer is for the benefit of the data subject and it is not reasonably practical to obtain the consent of the data subject to that transfer and if it were practical, the data subject would have provided their consent.
4. Affected applications and/or systems

Application / System	Country where data is stored	Notes as applicable
1 Billing system	Canada/USA and Ukraine	
2 Accounting system	USA and Australia	
3 Customer support/help desk application	UK and Australia	
4 Email system	Australia and Switzerland	

8.5. Information Security Measures

General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

1. Security measures implemented or to be implemented by Celerity to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by Celerity: Sec 51 (1)(c)(v).

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2. Celerity continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures within Celerity.
3. The security and confidentiality of Personal Information is important to Celerity. We have implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.
4. We are committed to ensuring that our security measures which protect your Personal Information are continuously reviewed and updated where necessary.
5. When processing any Personal Information, Celerity will comply with the following minimum technical and organisational security requirements:
 - a. Physical access: Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job / task.
 - b. Employee training: All Employees with access to Personal Information are kept up-to-date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects.
 - c. Unique user identification: Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of Celerity's password and confidentiality policy.
 - d. Passwords: Celerity shall ensure that there are passwords required for any access to Personal Information in line with its password policy.
 - e. Physical access and privileges: Celerity ensures that access to Personal Information is limited to Employees on a "need to know" basis, and Celerity Employees are required to strictly utilise their unique user ID and applicable passwords to access same. The access to such Personal Information shall be subject to a two-step authorisation/authentication process.
 - f. Backups: Celerity ensures that all Personal Information is backed up regularly, based on operational or legal requirements, and that back up testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.
 - g. Malware protection: Celerity ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect Celerity from the most recent malware infections.
 - h. Vulnerability scanning: Celerity frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.
 - i. Network configuration: Celerity continuously monitors all designated networks, employs intrusion detection systems and/or intrusion prevention systems, and records any security incidents.
 - j. Systems review: Celerity conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and applied consistently.

10. UPDATING OF THE MANUAL

The head of Celerity will on a regular basis update this manual.

Issued by

Mpere Kobe

Mpere Kobe
Chief Executive Officer

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