



**ATC SOUTH AFRICA**

Business Address: 3<sup>rd</sup> Floor, Building C Monte Circle, 64 Montecasino Boulevard • Postal Address: PO Box 650667 • Benmore 2010

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT, 2000**

FOR

**ATC SOUTH AFRICA WIRELESS INFRASTRUCTURE PROPRIETARY LIMITED**

AND

**ATC SOUTH AFRICA WIRELESS INFRASTRUCTURE II PROPRIETARY LIMITED**

AND

**ATC SOUTH AFRICA SERVICES PROPRIETARY LIMITED**

AND

**ATC SOUTH AFRICA INVESTMENT HOLDINGS PROPRIETARY  
LIMITED**

AND

**ATC AFRICA SHARED SERVICES PROPRIETARY LIMITED**

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## 1. INTRODUCTION

- 1.1. This manual is for the following legal entities:
  - 1.1.1. ATC South Africa Services Proprietary Limited ("**ATC SA Services**") is the South African real estate investment trust company of American Tower Corporation;
  - 1.1.2. ATC South Africa Wireless Infrastructure Proprietary Limited ("**ATC SA Wireless**") is the South African operating company of American Tower Corporation. ATC SA Wireless is an independent owner and operator of shared wireless telecommunications infrastructure;
  - 1.1.3. ATC South Africa Wireless Infrastructure Proprietary Limited ("**ATC SA Wireless II**") is wholly owned by ATC SA Wireless and is independent owner and operator of shared wireless telecommunications infrastructure;
  - 1.1.4. ATC South Africa Investment Holdings Proprietary Limited ("**ATC SA Holdings**") is the South African investment holding company of ATC SA Wireless; and
  - 1.1.5. ATC Africa Shared Services Proprietary Limited is the shared services entity for American Tower Corporation for all the American Tower Corporation related entities in Africa (all entities collectively referred to as "**ATC**").
- 1.2. This manual relates to records held by either of the ATC companies. This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, 2000 ("**PAIA**"). Each of the ATC companies is a private body as contemplated in PAIA and this manual contains the information specified in section 51(1) of PAIA, which is applicable to private bodies.

## 2. CONTACT DETAILS

- 2.1. The details of the contact person who deals with all requests made in terms of PAIA relating to ATC is the ATC Information Officer, Simone von Helden. The contact details of the Information Officer are as follows:

Information Officer:	Simone von Helden
Street Address:	3 <sup>rd</sup> Floor, Block C, Monte Circle 64 Montecasino Boulevard Fourways 2191
Postal Address:	P.O. Box 650667 Benmore Gauteng 2010
Telephone:	+2710 003 8800
Fax:	+2711 784 2002



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Email: [Simone.von.Helden@americantower.com](mailto:Simone.von.Helden@americantower.com)

### 3. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE TO PAIA

- 3.1. The South African Human Rights Commission (“**SAHRC**”) has, in terms of section 10 of PAIA published a guide to assist persons wishing to exercise any rights in terms of PAIA,
- 3.2. Any person wishing to obtain the guide may either access it through the SAHRC’s website at [www.sahrc.org.za](http://www.sahrc.org.za) or should contact the SAHRC at:

The South African Human Rights Commission  
Private Bag 2700  
Houghton  
2041  
Tell +2711 484 8300  
Fax: +2711 484 0582  
Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 4. INFORMATION AVAILABLE TO THE PUBLIC

- 4.1. Information that is automatically available without having to make a request in the prescribed form is freely available on the internet website of ATC at <https://atcsouthafrica.co.za/en/>.

### 5. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Certain records of ATC are available in terms of legislation other than PAIA. The specific records which are held in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons or in the circumstances specified in the relevant legislation. The legislation is as follows:

- 5.1. Companies Act, 2008;
- 5.2. Basic Conditions of Employment Act, 1997;
- 5.3. Employment Equity Act, 1998;
- 5.4. Labour Relations Act, 1995;
- 5.5. Compensation for Occupational Injuries and Diseases Act, 1993;
- 5.6. Occupation Health and Safety Act, 1993;
- 5.7. Income Tax Act, 1962;



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- 5.8. Value Added Tax Act, 1991 ;
- 5.9. Customs and Excise Act, 1964;
- 5.10. Electronic Communications and Transactions Act, 2002;
- 5.11. Unemployment Insurance Act, 2001 ;
- 5.12. Unemployment Insurance Contributions Act, 2002;
- 5.13. Skills Development Act, 1998;
- 5.14. Skills Development Levies Act, 1999;
- 5.15. Protection of Personal Information Act, 2013 and
- 5.16. National Environmental Management Act, 1998.

**6. SUBJECT AND CATEGORIES OF RECORDS HELD BY ATC**

- 6.1. ATC maintains records on the following subject matters and categories. Recording a category or subject matter in this manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

<b>SUBJECTS</b>	<b>DESCRIPTION OF CATEGORIES OF RECORDS</b>
<b>Company secretarial</b>	Memorandum of Incorporation
	Records of directors
	Notice and minutes of all shareholders' meetings
	Written communications sent to shareholders
	Minutes of all meetings and resolutions of directors and committees
	Securities Register
	Record of auditors
	Shareholders' agreement
	Share certificates
	Delegations of authority



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<b>Administration and general business</b>	Minutes of management meetings
	General correspondence
	Operational records
	Regulatory approvals, registrations, permits and licenses
	Insurance policies
	Litigation records
<b>Financial and accounting</b>	Financial statements and management accounts
	Journals and ledgers
	Stock records
	Asset registers
	Debtors records
	Bank statements
	Invoices
	Tax records
	Audit records and reports
	Credit/debit notes
<b>Human Resources</b>	Employment contracts
	Personnel records including personal details, disciplinary records and performance records
	Employee tax information
	Records of Unemployment Insurance Fund contributions
	Payroll records
	Health and safety records
	Medical aid information



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	Provident fund information
	Disciplinary code and procedure
	Grievance procedure
	Employee policies and procedures
	Work permits
	Training records
	Recruitment records
<b>Services / Operations</b>	Lease and collocation agreements with customers
	Site documentation, including technical drawings
	Lease and access agreements with ground lessors
	Correspondence with customers
	Correspondence with landlords
	Pricing lists and pricing information
	Site acquisition agreements
	Building permits
	Tender submissions
	Marketing presentations and material
<b>Property</b>	Lease agreements
<b>Supplier and services records</b>	Agreements with suppliers
	Agreements with service providers, including security and maintenance services
<b>Information technology</b>	Business and date information
	IT capabilities
	Systems and user manuals



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	Software licenses
	Supplier contracts
	Equipment lease agreements
	Domain and website information
<b>Intellectual Property</b>	Registered trademarks and applications

## 7. PROTECTION OF PERSONAL INFORMATION

### 7.1. Purpose of the POPI Act

The Protection of Personal Information Act, 4 of 2013, (“**POPI Act**”) regulates and controls the processing, including the collection, use, and transfer of a person’s personal information. In terms of POPI Act, a person (“**Responsible Party**”) has a legal duty to collect, use, transfer and destroy (process) another’s (“**Data Subject**”) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPI Act.

### 7.2. Reasons why ATC Processes Personal Information

ATC does and will from time-to-time process Personal Information which belongs or is held by a Data Subject.

This processing is required by ATC to allow it to perform the following:

- to pursue its business objectives and strategies,
- to comply with a variety of lawful obligations, including without detracting from the generality thereof:
- to carry out actions for the conclusion and performance of a contract as between ATC and Data Subjects;
- to put in place protective mechanisms to protect the Data Subject’s and / or ATC’s legitimate interest (s) including the performance of risk assessments and risk profiles;
- to obtain as required by law or to protect the respective party’s legitimate interests, Personal Information from a credit bureau or credit provider or credit association information about certain Data Subject’s credit record, including personal information about any judgement or default history;





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- to provide as required by law or to protect the respective party's legitimate interests Personal Information to credit bureaus, credit providers or credit associations, information about certain Data Subject's credit record, including personal information about any judgement or default history;
- for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
- for the purpose of providing the Data Subject from time to time with information pertaining to ATC, its officers employees, services and goods and other ad hoc business related information;
- to pursue the Data Subject's and / or ATC's legitimate interests, or that of a third party to whom the Personal Information is supplied;
- for the purposes of providing, maintaining, and improving the ATC products and Services, and to monitor and analyze various usage and activity trends pertaining thereto;
- for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and
- for the purpose of preventing fraud and abuse of ATC processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

### **7.3. Storage and Retention and Destruction of Information**

- 7.3.1. ATC will ensure that the Data Subject's Personal Information is stored electronically in a centralized data base, which, for operational reasons, will be accessible to all within ATC on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy. All such Personal Information will be held and / or stored securely. In this regard ATC will ensure that it performs regular audits regarding the safety and the security of all Data Subject's Personal Information.
- 7.3.2. Once the Data Subject's Personal Information is no longer required due to the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by ATC. ATC thereafter will ensure that such Personal Information is permanently destroyed.

### **7.4. Access by others and Cross border transfer**



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- 7.4.1. ATC may from time to time have to disclose a Data Subject's Personal Information to other parties, including other organs of state, other departments or subsidiaries, product or third party service providers, regulators and or governmental officials, overseas service providers and or agents, but such disclosure will always be subject to an agreement which will be concluded as between ATC and the party to whom it is disclosing the Data Subject's Personal Information to, which contractually obliges the recipient of this Personal Information to comply with strict confidentiality and data security conditions.
- 7.4.2. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to those countries: (i) which have similar data privacy laws in place; or (ii) where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by the POPI Act; or (iii) where the Data Subject has provided consent to a transfer to countries where a lesser set of obligations than those imposed by the POPI Act are applicable.

## 8. REQUEST PROCEDURES

- 8.1. A request for access to records held by ATC in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form C). A copy of the form is provided in paragraph 10 below. The request must be made to ATC at its address or email address specified in paragraph 2 above.
- 8.2. A person or entity requesting access to records ("**a requester**") must provide sufficient detail on the prescribed form to allow ATC to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to ATC. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 8.3. The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by ATC and to explain why the particular record or records requested is required for the exercise or protection of that right.
- 8.4. ATC is required to inform a requester in writing of its decision in relation to a request, If the requester wishes to be informed of ATC's decision in another manner as well, this manner must be set out in the request and the relevant details included, to enable ATC to inform the requester in the preferred manner.
- 8.5. If the record you have requested exists and allowing access to it does not affect a third party your request will be processed within 30 days.
- 8.6. This period may be extended once for a further 30 days if:
  - 8.6.1. the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of ATC;



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- 8.6.2. the request requires a search for records in, or collection thereof from, an office of ATC not situated in the Johannesburg office of ATC and this search cannot reasonably be completed within the original 30 days;
- 8.6.3. consultation among offices of ATC or with another private body is necessary or desirable to decide upon the request and this consultation cannot reasonably be completed within the original period;
- 8.6.4. more than one of the circumstances contemplated in paragraphs 8.6.1, 8.6.2 and 8.6.3 exist in respect of the request making compliance with the original period not reasonably possible; or
- 8.6.5. the requester consents in writing to such extension.
- 8.7. There are various grounds upon which a request for access to a record may be refused. They include:
  - 8.7.1. the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
  - 8.7.2. the protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
  - 8.7.3. refusing access to a record if disclosure would result in the breach of a duty of confidence owed to a third party;
  - 8.7.4. refusing access to a record if it would jeopardize the safety of an individual or prejudice or impair certain property rights of a third person;
  - 8.7.5. refusing access to a record that was produced during legal proceedings, unless that legal privilege has been waived;
  - 8.7.6. refusing access to a record containing trade secrets, financial or sensitive information or any information that would put ATC at a disadvantage in negotiations or prejudice it in commercial competition; and
  - 8.7.7. refusing access to a record containing information about research being carried out or about to be carried out on behalf of a third party or by ATC.
- 8.8. In terms of section 70 of PAIA, disclosure is compulsory if it would reveal a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- 8.9. If your request does affect a third party then ATC will first need to inform the third party within 21 days of us receiving your request. By this we mean that if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record.
- 8.10. The third party then has 21 days to make representations and/or submissions regarding the granting of access to the record.



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- 8.11. Once the relevant head of ATC has heard all the submissions, he or she will make a decision as to whether or not access to the record will be granted. If the decision is to grant you access to the record, you must then be granted access to the record within 30 days of being informed of the decision, unless an application with a court is lodged against the decision within that period.
- 8.12. If the relevant head of ATC does not grant you access to the record, you may apply to a court for appropriate relief in terms of section 82 of PAIA.
- 8.13. If the relevant head of ATC does decide to grant you access to the record, the third party that has been affected may lodge an application with a court against the decision of the relevant head of ATC within 30 days after notice is given.

### **9. PRESCRIBED FEES**

A request fee of R50,00 is payable by a requester, other than a requester who is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorized to deal with such requests on behalf of ATC may notify the requester to pay the request fee before processing the request any further. A requester may make an application to court against the payment of the request fee.