

# **MTN GROUP MANAGEMENT SERVICES (PTY) LTD**

**(2004/006943/07)**

Access to Information Manual. We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA)

**Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.**

Date: January 2024

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## 1. INTRODUCTION

MTN Group Management Services (Pty) Ltd is the management company for the MTN group of companies (the MTN Group) operating mobile and fixed communication services in terms of the Electronic Communications Network Services and Electronic Communications Services Licences and related operations.

This is the 'Access to Information Manual' for the MTN Group Management Services (Pty) Ltd. Each MTN entity within the MTN Group is required to comply with applicable legislation, including PAIA and POPIA, and as such will have their own PAIA manuals.

The purpose of this document is to help you access our information and records as a private body pursuant to section 51 of the PAIA Act.

PAIA requires us to make it available to you so that you:

- know what types of information and records we hold;
- can request access to the information and records we hold.

**This manual exists to tell you what information we have and help you get access to it.**

## 2. DEFINITIONS

**"Data Subject"** It means an identified or identifiable natural person, including prospective, current and former MTN subscribers, customers, Employees and Third Parties. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. It shall also include any additional persons afforded information privacy rights and protection of Personal Information in terms of Applicable Information Privacy Law(s).

**"Employee/s"** all persons employed by MTN and/or an MTN Entity whether permanent, time-limited, full-time, or part-time, including directors, trainees, secondees, and external contractors.

**"Information Officer"** a designated Director or senior member of MANCO management duly appointed and authorised by MTN Group to occupy and discharge the responsibilities of this position.

**"Processing"** Any operation or set of operations which is performed on Personal Information or on sets of Personal Information, whether or not by automated means, including collection, receipt, recording, organisation, structuring, collation, storage; adaptation or alteration, updating, retrieval, consultation, use, dissemination, disclosure by means of transmission; or otherwise making available, alignment or combination, merging, restriction, erasure, destruction, and/or degradation.

**"Private body"** means a natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person.

**"Requester"** in relation to a private body means 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 any person acting on behalf of that person.

### 3. OUR DETAILS

Our details are as follows:

Company name:	MTN GROUP MANAGEMENT SERVICES (Pty) Ltd
Registration number:	2004/006943/07
Postal address:	Private Bag 9955, Cresta, 2118
Physical address:	Innovation Centre, 216 – 14th Avenue, Fairland, Roodepoort, 2195
Information Officer:	Ferdi Moolman
Deputy Information Officer:	Mohamed Basson
Email for purposes of PAIA queries:	groupdataprivacy@mtn.com
Email for purposes of PoPIA queries:	groupdataprivacy@mtn.com
Information Officer phone number:	011 912 3000
Fax number:	011 912 3168
MTN contact email:	groupdataprivacy@mtn.com
Websites:	www.mtn.co.za

**These are all our details, but please rather contact us by email whenever possible.**

### 4. FURTHER GUIDANCE

If you would like further guidance on how you can get access to information under PAIA, you may contact the Information Regulator to find out more information about PAIA. The Information Regulator has a guide in each of the official languages of South Africa on how to exercise any right under PAIA.

Their contact details are as follows:

- **Phone number:** 011 023 5200 • **Postal address:** P.O Box 31533, Braamfontein, Johannesburg, 2017
- **Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.
- **Website:** <https://inforegulator.org.za/>.

**For further guidance on how you can get access to information, please contact the Information Regulator by visiting their website at <https://inforegulator.org.za/>.**

### 5. RECORDS WE HOLD

We hold various subjects and categories of records, including company records, business records, financial records, insurance records, personnel records, policies and directives, agreements or contracts, regulatory documents, published information, customer information and reference materials.

**See out below are the various subjects and categories of records in electronic or physical form that are available automatically or in other ways.**

## 4.1 COMPANY RECORDS

Company records are all our records related to the incorporation and administration of our company. Some of them are available from the Companies and Intellectual Property Commission (CIPC).

Memorandum of incorporation	Automatically available from CIPC
Directors' names	Automatically available from CIPC
Documents of incorporation	Automatically available from CIPC
Minutes of board of directors' meetings	Not automatically available
Written resolutions	Not automatically available
Records relating to appointment of directors, auditor, secretary, public officer, or other officers	Not automatically available
Register, share certificates and other statutory registers	Not automatically available
Debt securities, share incentives schemes or trusts	Not automatically available
Shareholders' agreement	Not automatically available
Other statutory records	Not automatically available

**Company records include our memorandum of incorporation and directors' names.**

## 4.2 BUSINESS RECORDS

Business records include any documents that have economic value to the business.

Operational records and reports	Not automatically available
Databases	Not automatically available
Published works	Not automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available
Profiles of subsidiary companies	Not automatically available

## 4.3 FINANCIAL RECORDS

Financial records are all our records related to our finances.

Financial statements	Not automatically available (NDA required)
Tax returns	Not automatically available
Other documents relating to taxation of the company	Not automatically available
Accounting records	Not automatically available
Banking records	Available on request
Bank statements	Not automatically available
Electronic banking records	Not automatically available
Paid cheques	Not automatically available
Asset register	Not automatically available
Rental agreements	Not automatically available
Invoices	Not automatically available
Financial agreements	Not automatically available

**Financial records include our financial statements and banking details.**

#### 4.4 INSURANCE RECORDS

Insurance records are all our records related to our insurable assets.

Insurance policies held by the company	Not automatically available
Register of all immovable property owned by the company	Not automatically available
Income tax records (Income tax records are all our records related to our income tax obligations)	Not automatically available
PAYE records	Not automatically available
Corporate tax records	Not automatically available
Customs tax	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT records	Not automatically available
Regional services levies	Not automatically available
Skills development levies	Not automatically available
UIF Workmen's compensation	Not automatically available

#### 4.5 PERSONNEL RECORDS

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

List of employees	Not automatically available
Employee personal information	Not automatically available
Employee employment contracts	Not automatically available
Employment policies and procedures	Not automatically available
Employment equity plan	Not automatically available
Medical aid records	Not automatically available
Pension fund records	Available at the Registrar of pension funds Salaries of employees
Leave records	Not automatically available
Internal evaluations	Not automatically available
Disciplinary records	Not automatically available
Disciplinary codes	Not automatically available
Training records	Not automatically available
Operating manuals	Not automatically available
Personal records provided by personnel	Not automatically available
Other statutory records	Not automatically available
Related correspondence	Not automatically available

**Personnel records include records about our employees and contractors.**

#### 4.6 POLICIES AND DIRECTIVES

Policies and directives include both internal and external documents.

Internal relating to employees and the company	Not automatically available
External relating to clients and other third parties	Not automatically available
Information technology systems and documents	Not automatically available

#### 4.7 AGREEMENTS AND CONTRACTS

Agreements or contracts include the documents themselves and all related documents.

Standard agreements	Not automatically available
Contracts concluded with customers	Not automatically available
NDA's Letters of Intent, MOUs	Not automatically available
Third party contracts (such as JV agreements, VAR agreements, etc.)	Not automatically available
Office management contracts	Not automatically available
Supplier contracts	Not automatically available
Tender contracts	Not automatically available
<b>Telecommunications services records</b>	
List of service providers and dealers	Available on website
Contracts concluded with customers	Not automatically available
Written approvals ICASA on tariffs and fees	Not automatically available
Stored communication related information	Not automatically available
Cellular phone and SIM-card records	Not automatically available
Call data records	Not automatically available
<b>Environmental records</b>	
List of all base transceiver station site and leases	Not automatically available
Environmental approvals	Not automatically available
Base transceiver station site upgrade information	Not automatically available
Local authority approvals	Not automatically available
Base transceiver site electromagnetic emission levels	Not automatically available

Telecommunications services records are the accounts and records about telecommunications services that licensees are required to keep. Environmental records include records related to our emissions. Base transceiver station site certificates EMF conformance and environmental requirements.

#### 4.8 REGULATORY DOCUMENTS

Regulatory documents include any documents required to comply with any laws.

Permits	Not automatically available
Licences	Not automatically available
Authorities	Not automatically available
Environmental approvals	Not automatically available



Local authority approvals	Not automatically available
Incidence records and statistics	Not automatically available
Risk management system	Not automatically available
Operational risk review reports	Not automatically available

#### 4.9 PUBLISHED INFORMATION

Published information includes any document that we prepare and produce.

External newsletters and circulars	Automatically available
Internal newsletters and circulars	Not automatically available
Information on the company published by third parties	Not automatically available

#### 4.10 CUSTOMER INFORMATION

Customer information includes any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

Customer details	Not automatically available
Contact details of individuals within customers	Not automatically available
Communications with customers	Not automatically available
Sales records	Not automatically available
Transactional information	Not automatically available
Marketing records	Not automatically available

#### 4.11 REFERENCE MATERIALS

Reference materials include any sources of information that we contribute to.

Books	Not automatically available
Newsletters and journals articles	Not automatically available
Magazines	Not automatically available
Newspaper articles	Not automatically available

#### 4.12 INFORMATION WE HOLD TO COMPLY WITH THE LAW

Records are kept in accordance with legislation as is applicable to MTN, which include (but may not be limited to) the following legislation:

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;

- Pension Funds Act 24 OF 1956;
- Protection of Personal Information Act 4 of 2013; (PoPIA)
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

## 6. HOW TO REQUEST ACCESS

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA.

To request access to a record, please complete Form 2 which is available from the website of the Information Regulator at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>.

Please submit the completed form to our information officer together with the relevant request fee (details appear at Annexure B to the PAIA Regulations, available here:

[https://inforegulator.org.za/wp-content/uploads/2020/07/20210827\\_gg45057gon757-PAIAregulations.pdf](https://inforegulator.org.za/wp-content/uploads/2020/07/20210827_gg45057gon757-PAIAregulations.pdf) ) at our information officer's email address, our physical address, or by fax in terms of our details provided above.

Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which form of access you require;
- specifies your email address, postal address, or fax number;
- describes the right that you seek to exercise or protect;
- explains why you need the requested record to exercise or protect that right;
- provides any other way you would like to be informed of our decision other than in writing; and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

## 7. GROUNDS FOR REFUSAL

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy;
- another company's commercial information and personal information;
- someone else's confidential information and personal information;
- the safety of individuals and property;

- records privileged from production in legal proceedings; or
- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

**We may have to refuse you access to a record to protect others.**

## 8. HOW WE WILL GIVE YOU ACCESS

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

## 9. HOW MUCH IT WILL COST YOU

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available from Annexure B of the PAIA Regulations at this link:

[https://info regulator.org.za/wp-content/uploads/2020/07/20210827\\_gg45057gon757-PAIAregulations.pdf](https://info regulator.org.za/wp-content/uploads/2020/07/20210827_gg45057gon757-PAIAregulations.pdf)

You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## 10. HOW WE PROCESS AND PROTECT PERSONAL INFORMATION

We process the personal information of various categories of people/ data subjects for various purposes as set out in this clause.

### 9.1 CATEGORIES OF DATA SUBJECTS

We process the personal information relating to:

- customers or clients;
- prospects or leads;
- employees;
- recruiters and medical practitioners providing services related to employees;
- contractors, vendors, or suppliers;
- children and their guardians;
- debtors and creditors;
- dealers; and
- directors and shareholders.

## 9.2 PURPOSES FOR PROCESSING PERSONAL INFORMATION

PAIA not only requires us to inform you when we use your personal information as part of our processing, but also to notify you of the purpose for which we process it, to ensure we deliver on our commitment to you.

### 9.2.1 OPERATIONAL PURPOSES FOR PROCESSING YOUR PERSONAL INFORMATION

The below is a list of activities where we use your personal information and if you were to object to this use (unless we do not have another lawful ground for processing), we would not be able to deliver the service or product, or our delivery would be negatively impacted. Accordingly, the operational purpose of these activities is to:

- **Verification:** we Process Personal Data necessary to verify your identity when you are purchasing our products and services, when you make contact with us, or when we contact you;
- **Credit checks:** we perform credit checks, including using the services of a credit bureau, where you are applying for a contract for products and/or services with us, and to assess your application;
- **Contracting and processing orders:** we Process your Personal Data in order to conclude and contract, to process your request to provide products and services and to keep you updated with your order progress and to provide our products and services to you;
- **Billing and collection:** your Personal Data is Processed to perform billing of your account for your use of our products and services. We also Process your Personal Data to collect outstanding monies due to us through our collection processes;
- **Monitor and improve services:** we perform research and statistical analysis on our customers' and/or users' behaviour for purposes of monitoring the performance of our network, products and services and maintaining or improving our products and services to you;
- **Improve value proposition:** we analyse our customers and/or users preferences and interests based on their use of MTN websites, mobile applications, products, services and/or social media interactions to improve on our services, products, to perform marketing, online behavioral advertising and to develop new services or products which may be suitable to you;
- **Network performance:** we Process your Personal Data to protect our network and manage the volume of calls, texts and other use of our network. For example, we identify peak periods of use, so we can ensure the network can handle the volume during those times.
- **Marketing:** we use your Personal Data to promote and/or market our products and services to you by means of text and voice messaging, email, post, telephone calls, or through social media campaigns, but only if this is permitted in terms of our policies, local regulations and you have not opted-out from the type of direct marketing communications (e.g., where you have opted-out of certain categories of direct marketing but not all categories of direct marketing).
- **Fraud and crime prevention:** we Process your Personal Data to detect and prevent fraud or criminal activity through the use of our products or services;
- **Security:** we Process your Personal Data to prevent Personal Data Breaches, and to safeguard our IT systems, networks, assets, buildings and places of work;
- **Compliance and Reporting:** we Process your Personal Data where this is required to comply with any legal obligations imposed on MTN by applicable law or in response to directives from law enforcement or court orders (for example "know your client" requirements) and to

discharge any prescribe reporting obligations.

- **Customer service:** we Process your Personal Data to provide you with customer services including to respond to any question, query, requests, concerns or complaints you may have about MTN, including our network, products, services, employees or our Processing activities.

#### 9.2.2 REGULATORY PURPOSES FOR PROCESSING YOUR PERSONAL INFORMATION

We might also process your personal information for regulatory purposes. There are pieces of legislation that have been enacted which require us by law to process personal information and failure to do so will place us in violation of that law. An example of this is that we need to comply with the Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 (RICA) which requires us to process information such as your name, identity number and physical address.

## 11. CATEGORIES OF PERSONAL INFORMATION

PoPIA makes a clear distinction between the two categories of personal information. The first category is personal information (PI). This type of information relates to both natural and juristic persons. Examples of personal information is your name, surname, identification number, date of birth, passport number, cellphone number, email address, marital status, nationality, language, views, pregnancy status, bank account details etc. Insofar as juristic entities are concerned, this includes confidential personal information that are not made public in ordinary circumstances.

The second category of personal information is special personal information (SPI). Examples of special personal information is your physical or mental health status, criminal status, religion, biometrics, disability, sexual orientation etc.

We apply various security controls during the collection and processing of both personal information and special personal information and make every reasonable effort to ensure that it is not lost, stolen or compromised in any way.

## 12. THIRD-PARTY DISCLOSURES

We may disclose your personal information to third parties who are assist us in carrying out our functions to fulfil our obligations to our customers, clients or in relation to our commercial activities. Where we disclose your personal information to any third party, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for.

To this end, we have agreements in place with these third parties to ensure this and to ensure an adequate level of security and confidentiality for your personal information.

We give the following third parties personal information that we process in the ordinary course of business:

- contractors, vendors, or suppliers;
- agents, distributors, or other resellers;
- operators, other responsible parties, or co-responsible parties; and
- third party vendors (such as software developers) to help us maintain our services.

### 13. CROSS-BORDER TRANSFERS

As a global communications partner, we send personal information outside of South Africa to various countries, especially on the African continent. We will ensure compliance with PoPIA in relation to any cross-border transfers of personal information.

For example, we will only transfer data to other countries who have similar privacy laws to South Africa's and/or ensure that the third party who is the recipient of the information is subject to a binding agreement which provides for an adequate level of protection similar to PoPIA.

### 14. SECURITY

We secure our data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration and destruction.

We also take reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

**We do our best to keep all data in our possession secure and up-to-date.**

### 15. OTHER PRESCRIBED INFORMATION

The Information Regulator nor the Minister of Justice and Constitutional Development have made any regulations prescribing any other information that needs to appear in this manual.

### 16. APPLICABLE PERIODS

MTN will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

The 30-day period may be extended by a further period of not more than 30 days if 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 MTN.

### 17. PAIA FORMS

Please visit the website of the Information Regulator here (<https://inforegulator.org.za/paia-forms/>) for all PAIA related forms to exercise your rights:

Form	Use
Form 01	Request for a Guide from the Information Regulator
Form 01	Request for a copy of the Guide from the Information Officer of MTN
Form 02	Request for access to a record from MTN
Form 04	Internal appeal form
Form 05	Complaint form
Form 13	PAIA request for compliance assessment form

### 18. AVAILABILITY OF THIS MANUAL

This manual is available in English and will be available on our website, and at our company offices. The manual is also electronically available on our website at: [Legal - Terms and conditions | MTN Group](#).

## 19. AVAILABILITY OF THE GUIDE ON HOW TO USE PAIA

The Information Regulator has, in terms of section 10(1) of PAIA updated and made available the revised Guide on how to use PAIA in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA.

Members of the public can inspect or make copies of the Guide from MTN (at the details set out above) during normal working hours. The Guide is available in English. The Guide can also be obtained upon request to the Information Officer or from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

## 20. UPDATES TO THIS MANUAL

This manual will be updated whenever we make material changes to the current information.