

**PROMOTION OF ACCESS TO INFORMATION ACT**  
**Section 51 Manual**  
**For Hetzner (Pty) Ltd**

## **Introduction**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

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.

## **1 HETZNER (PTY) LTD OVERVIEW**

**Hetzner (Pty) Ltd** is a specialist hosting company offering competitive shared and dedicated hosting solutions and domain registrations.

**Hetzner (Pty) Ltd** 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.

## **1 AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available on our website ([http://www.hetzner.co.za/fileadmin/user\\_upload/legal\\_notices/pdf/paia\\_manual.pdf](http://www.hetzner.co.za/fileadmin/user_upload/legal_notices/pdf/paia_manual.pdf)) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our Head Office, the South African Human Rights Commission ("SAHRC") at the addresses set out below. This Manual will be updated from time to time, as and when required.

## 2 **HOW TO REQUEST ACCESS TO RECORDS HELD BY HETZNER (PTY) LTD**

Requests for access to records held by the Hetzner (Pty) Ltd must be made on the request form that is available on our website, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations"). Note that requests need not be accompanied by payment BUT will only be processed upon payment of the prescribed fees.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of the **Hetzner (Pty) Ltd**.

**The standard form that must be used for the making of requests is available at Application form [http://www.hetzner.co.za/fileadmin/user\\_upload/legal\\_notices/pdf/paia\\_form.pdf](http://www.hetzner.co.za/fileadmin/user_upload/legal_notices/pdf/paia_form.pdf). Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.**

Kindly note that all requests to the **Hetzner (Pty) Ltd** will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the **Hetzner (Pty) Ltd** does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

## 2 CONTACT DETAILS

**Name of Private Body: Hetzner (Pty) Ltd**  
**Designated Information Officer: Mr H E Wencke**  
**Email address of Information Officer: hw@hetzner.co.za**  
**Postal address: 3450, Durbanville, 7551, South Africa**  
**Street address: Cnr Batis Rd. & Langeberg Str. Durbanville, 7550 South Africa**  
**Phone number: 021 – 970 2000**  
**Fax number: 021 – 970 2001**

## 3 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide described in Section 10 of the Act is due in August 2003. From that date it will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 4 VOLUNTARY DISCLOSURE

**Hetzner (Pty) Ltd** has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to **Hetzner (Pty) Ltd** and its services is freely available on **Hetzner (Pty) Ltd's** website. Certain other information relating to **Hetzner (Pty) Ltd** 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.

3 **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION** *Section 51 (1) (d)*

Information is available in terms of the following legislation, if and where applicable, which includes but is not limited to:

Basic Conditions of Employment No. 75 of 1997  
Closed Corporation Act No. 69 of 1984  
Companies Act 61 of 1973  
Electronic Communications and Transactions Act 25 of 2002.  
Financial Intelligence Centre Act – Act 38 of 2001  
Labour Relations Act 66 of 1995  
Promotion of Access to Information Act No. 2 of 2000  
Regional Services Councils Act No. 109 of 1985  
Skills Development Levies Act No. 9 of 1999  
Skills Development Act No. 97 of 1998  
Unemployment Contributions Act No. 4 of 2002  
Unemployment Insurance Act No. 63 of 2001  
Value Added Tax Act No. 89 of 1991

**Access to the records held by the private body in question**

- i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) **Section 51(1)(c)**

Not applicable

4 **RECORDS HELD BY HETZNER (PTY) LTD**

The **Hetzner (Pty) Ltd** maintains records on the following categories and subject matters. **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.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

## 8.1 Internal Records

- Memorandum and Articles of Association
- Financial records
- Operational records
  
- Intellectual property
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

## 8.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of Hetzner (Pty) Ltd and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Hetzner (Pty) Ltd. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to Hetzner (Pty) Ltd by their personnel;
- Any records a third party has provided to Hetzner (Pty) Ltd about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

### 8.3 Customer records

**Please be aware that Hetzner (Pty) Ltd is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.**

Customer information includes the following:

- Any records a customer has provided to Hetzner (Pty) Ltd or a third party acting for or on behalf of Hetzner (Pty) Ltd;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to Hetzner (Pty) Ltd about customers;

- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to Hetzner (Pty) Ltd either directly or indirectly; and
- Records generated by or within Hetzner (Pty) Ltd pertaining to customers, including transactional records.

#### **8.4 Technical records**

- Technical records generated by, or within Hetzner (Pty) Ltd pertaining to customers.

#### **8.5 Other Parties**

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 Hetzner (Pty) Ltd. The following records fall under this category:

- Personnel, customer or Hetzner (Pty) Ltd records which are held by another party as opposed to being held by Hetzner (Pty) Ltd; and
- Records held by Hetzner (Pty) Ltd 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.

#### **8.6 Other Records**

Further records are held including:-

- Information relating to Hetzner (Pty) Ltd own commercial activities; and
- Research carried out on behalf of a client by Hetzner (Pty) Ltd or commissioned from a third party for a customer;
- Research information belonging to Hetzner (Pty) Ltd, whether carried out itself or commissioned from a third party.