

Hetzner (Pty) Ltd – 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.

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Date compiled: 31 March 2010

Date revised: 26 January 2016

Introduction

We are Hetzner (Pty) Ltd, a specialist hosting company offering competitive shared and dedicated hosting solutions and domain registrations. This is our 'Access To Information Manual'. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

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

Our details

Our details are as follows:

Name of Private Body: Hetzner (Pty) Ltd

Registration number: 2005/023926/07

Postal address: PO Box 3450, Durbanville, South Africa, 7551

Physical address: Belvedere Office Park, Unit F, Bella Rosa Street, Durbanville, South Africa, 7550

Phone number: 021 970 2000

Fax number: 021 970 2001

Information Officer: Mr H E Wencke

Information Officer email: legal@hetzner.co.za

Website: <https://hetzner.co.za>

These are all our details, but please rather contact us by email at legal@hetzner.co.za whenever possible.

Availability of this manual

This manual is available in English and a copy of this Manual is available on our website (https://hetzner.co.za/wp-content/uploads/2015/11/06073042/paia_manual1.pdf) or by sending an email request to our Information Officer. 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.

Further guidance

If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC) to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. Their contact details are as follows:

- **Phone number:** 011 877 3825
- **Fax number:** 011 403 0625
- **Postal address:** Private Bag X2700, Houghton, 2041
- **Physical address:** The South African Human Rights Commission, Braampark Forum 3, 33 Hoofd

Street, Braamfontein, Johannesburg, 2041

- **Website:** <http://www.sahrc.org.za/index.php/understanding-paia>
- **E-mail:** section51.paia@sahrc.org.za

For further guidance on how you can get access to information, please contact the SAHRC by visiting their website at <http://www.sahrc.org.za/index.php/understanding-paia>.

Voluntary Disclosure

We have not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to us and our services is freely available on our website. Certain other information relating to us 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.

Records we hold

We hold the following subjects and categories of records:

- **Internal Records;**
- **Personnel records;**
- **Customer records;**
- **Technical records;**
- **Other Parties' Records; and**
- **Other Records**

We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.

Internal records

Memorandum of Incorporation (formerly Memorandum and Articles of Association) Not automatically available

Financial records Not automatically available

Operational records Not automatically available

Intellectual property Not automatically available

Marketing records Not automatically available

Internal correspondence Not automatically available

Product records Not automatically available

Statutory records Not automatically available

Personnel records

Personnel refers to any person who works for or provides services to us or on our behalf, and receives or

is entitled to receive any remuneration. It also refers to any other person who assists us in carrying out or conducting our business. 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 us by our personnel	Not automatically available
Any records a third party has provided to us about any of their personnel	Not automatically available
Conditions of employment and other personnel-related contractual and quasi-legal records	Not automatically available
Internal evaluation records	Not automatically available
Other internal records and correspondence	Not automatically available

Customer records

Please be aware that we are very concerned about protecting the confidential information of our 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 provide to us or a third party acting for us or on our behalf	Not automatically available
Contractual information	Not automatically available
Customer needs assessments	Not automatically available
Personal records of customers	Not automatically available
Credit information and other research conducted in respect of customers	Not automatically available
Any records a third party has provided to us about customers	Not automatically available
Confidential, privileged, contractual and quasi-legal records of customers	Not automatically available
Customer evaluation records	Not automatically available
Customer profiling	Not automatically available
Performance research conducted on behalf of customers or about customers	Not automatically available
Any records a third party has provided to us either directly or indirectly	Not automatically available
Records generated by or within our business pertaining to customers, including transactional records	Not automatically available

Technical records

Technical records generated by, or within our business pertaining to customers.

Other Parties' records

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

Personnel, customer or our records which are held by another party as opposed to being held by us Not automatically available

Records held by us 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. Not automatically available

Other records

Further records are held including:

Information relating to our own commercial activities; and Not automatically available

Research carried out on behalf of one of our clients or commissioned from a third party for a customer; Not automatically available

Research information belonging to us, whether carried out our self or commissioned from a third party. Not automatically available

Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Closed Corporation Act No. 69 of 1984
- 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;
- Financial Intelligence Centre Act – Act 38 of 2001
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Promotion of Access to Information Act No. 2 of 2000
- Protection of Personal Information Act 4 of 2013;
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act 9 of 1999;

- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 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

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 C which is available from:

- the SAHRC website at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: http://www.sahrc.org.za/home/21/files/Form_C.doc_August_2013.doc); or
- the Department of Justice and Constitutional Development website at www.justice.gov.za at this link: http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf).

Please submit the completed form to our information officer together with the relevant request fee (details here: [http://www.sahrc.org.za/home/21/files/PAIA Notice on fees.pdf](http://www.sahrc.org.za/home/21/files/PAIA_Note_on_fees.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 available at https://hetzner.co.za/wp-content/uploads/2015/11/06073042/paia_form1.pdf 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.

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;
- someone else's confidential 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.

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.

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 <http://www.sahrc.org.za/index.php/understanding-paia> at this link: [http://www.sahrc.org.za/home/21/files/PAIA Notice on fees.pdf](http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.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.

How we process and protect personal information

We process the personal information of various categories of people for various purposes as set out in this clause and in terms of our [Privacy Policy](#).

Categories of people

We process the personal information of the following categories of people:

- customers or clients;
- prospects or leads;
- employees;
- contractors, vendors, or suppliers;
- debtors and creditors;
- dealers; and
- directors and shareholders.

Purposes

We process the personal information to:

- provide our goods or supply our services;
- better understand our data subjects' needs when doing so;
- keep our data subject records up-to-date;
- manage employees in general;
- manage supplier contracts in general;
- manage dealer relationships in general;
- manage customers in general;
- manage customer credit in general;
- market to customers in various countries;
- market goods and services to prospects;
- process customer requests or complaints; and
- process personal information of employees for forensic purposes.

Categories of personal information

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- biometric information;
- account numbers when processing debit orders;
- background information;
- contract information;
- credit information; and
- debt and debtor information.

Third-party disclosures

We give the following people personal information that we process in the ordinary course of business to fulfill our obligations to our customers or clients:

- 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.

Cross-border transfers

We send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

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.

Other prescribed information

The Minister of Justice and Constitutional Development has not made any regulations prescribing any other information that needs to appear in this manual.