

MyiRadio (Pty) Ltd
(Hereinafter referred to as "MyiRadio")

ACCESS TO INFORMATION MANUAL

**PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION
ACT 2 OF 2000**

1. INTRODUCTION

In terms of Section 32 of the Bill of Rights in the Constitution of South Africa, Act 108 of 1996 every

person has a right to access information. In order to fulfil this constitutional obligation, the Promotion of Access to Information Act 2 of 2000 ("the Act") was assented to by Parliament. Page | 2

The purposes of the Act is to give effect to the constitutional right to access to any information held by the state, public and private companies as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right of access to information is to:

- Forster a culture of transparency and accountability in both public and private bodies.
- Promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 9 of the Act however recognizes that such right to access to information cannot be unlimited and should be subjected to justifiable limitations, including, but not limited to:

- Limitation aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance; and in a manner which balance that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2. PURPOSE

The purpose of this manual is to facilitate requests for access to information of MyiRadio.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised for familiarize themselves with the provisions of the Act before making any requests to MyiRadio.

MyiRadio makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and MyiRadio shall not be liable for any loss, expense, liability or claims, however arising, resulting from the use of this manual or of any information provided by MyiRadio or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of this manual or any information provided by MyiRadio.

3. THE BACKGROUND INFORMATION ON MYIRADIO

MyiRadio is a company that hosts a variety of audio hosting services.

4. THE MAIN BUSINESS ACTIVITIES MYIRADIO

The main business of MyiRadio is to serve as booking platform and streaming radio service.

PART I

5. CONTACT DETAILS

INFORMATION OFFICER:

Name: Riaan Steyn

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Telephone number:
0834781107

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Facsimile number:
0865554714

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E-mail:
riaan@myiradio.co.za

6. GENERAL INFORMATION

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Name of Private Body:
MYIRADIO (PTY) LTD

PART II

7. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by the Act, and is available in all of the official languages.

Any enquiries regarding this guide should be directed to the SOUTH AFRICAN HUMAN RIGHTS

COMMISSION, at

PAIA UNIT, THE RESEARCH AND DOCUMENTATION DEPARTMENT,

Private Bag X2700, HOUGHTON, 2041,

Telephone Number: (011) 484-8300,

Facsimile Number: (011) 484-1360,

Website: www.sahrc.org.za

E-mail Address: paia@sahrc.org.za

PART III

8. RECORDS THAT ARE AVAILABLE IN TERMS OF ANY OTHER LEGISLATION IN TERMS OF SECTION 51 (1) (d).

MyiRadio has records available in terms of the following legislation of the Republic of South Africa:

- Companies Act, No 61 of 1973;
- Constitution of the Republic of South Africa, No 108 of 1996;
- Value Added Tax, No 89 of 1991;
- Income Tax Act, No 58 of 1962;
- Transfer Duty Act, No 40 of 1949;
- Deeds Registries Act, no 47 of 1937;
- Business Names Act, No 27 of 1960;
- Labour Relations Act, No 66 of 1995;
- Basic Conditions of Employment , No 75 of 1997;
- Pension Funds Act, No 24 of 1956;
- Skills Development Act, No 97 of 1998;
- Employment Equity Act, No 55 of 1998;
- Occupational Health & Safety Act, No 85 of 1993;
- Unemployment Insurance Act, No 63 of 2001.

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PART IV

9. DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY MYIRADIO

The description of the subjects and categories of records held by MYIRADIO are the following:

Incorporated documents

- The memorandum of association and shareholders agreement of MyiRadio
- MyiRadio company secretarial documents.

Financial records of the company

- Accounting records, books and documents of MyiRadio;
- Annual Financial Reports of MyiRadio
- Income Tax returns.
- Structured Finance Facility.
- Commercial Agreements

Human resources/ employment records

- List of employees.
- Letters of appointment with employees.
- Records relating to employee benefits.
- Disciplinary records and documentation pertaining to disciplinary proceedings.
- UIF records
- Policies and procedures manuals.
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Intellectual Property

Property databank and benchmark information.

Insurance records

- Assets and motor vehicle records.
- Personnel related insurance.
- Property related insurance.

PART V

10. THE MANNER IN WHICH THE ABOVE RECORDS WILL BE MADE AVAILABLE

The above mentioned records may only be accessed by the members of the public by prior appointment with the Information Officers and at MyiRadio's Head Office during office hours.

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PART VI

11. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO THE MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THEM

The following records are available in terms of other legislation and access to these records may be gained by means of a prior appointment with the information officer:

- Any information publicly available on the corporate website at www.myiradio.co.za
- The ABOUT US PROFILE

PART VII

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for MyiRadio to refuse a request for information relates to:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of the commercial information of a third party;
- mandatory protection of certain records of the South African Revenue Services;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of certain other confidential information;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of the commercial activities of MyiRadio;
- mandatory protection of records privileged from production in legal proceedings;
- protection of research information of MyiRadio or a third party, if its disclosure would disclose the identity of the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- requests for information that are clearly frivolous or which involve an unreasonable diversion of resources shall be refused.

13. REMEDIES AVAILABLE WHEN MYIRADIO REFUSE A REQUEST FOR INFORMATION

Internal Remedies

MyiRadio does not have internal appeal procedures and the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the information officer.

External Remedies

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

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14. REQUEST FOR PROCEDURE

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. The requester must complete the prescribed form, as well as payment of a request fee and a deposit, if applicable.

MyiRadio will process the request within 30 days. The requester shall be informed whether access granted or denied. The requester requires the information in order to exercise or protect a right.

15. ACCESS TO RECORDS HELD BY MYIRADIO

Records held by MyiRadio may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of MyiRadio.

16. REQUESTER

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

MyiRadio will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

The requester (other than a personal requester) is entitled to request access to information on third parties. However, MyiRadio is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

17. REQUEST

A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, fax number or e-mail address in terms of Section 18 of the Act.

The requester must provide sufficient detail on the request form to enable an official of MyiRadio to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:

- the preferred language if applicable;
- whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
- a fax number and/or postal address

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. A request must be directed to the Information Officer via mail or by facsimile.

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The requester must pay the prescribed fee, before any further processing can take place. The form must be adequately completed, with sufficient particulars so that the official of MyiRadio can identify:

- from where and from whom the request is made;
- what record(s) are being requested;
- what the access fee will be should access be granted.

18. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the required fees. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably requires in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

19. DECISION

MyiRadio will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period with which MyiRadio has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty day if the request is for a large number of information, or the request requires a search for information held at another office

of MyiRadio and the information cannot be reasonably be obtained within the original 30 day period. MyiRadio will notify there requester in writing should an extension be sought.

20. AVAILABILITY OF THE MANUAL

This manual is made available in terms of Regulation Number R.187 of 15 February 2002. —
This manual is also available at the South African Human Rights Commission. Page 18

21. RECORDS THAT CANNOT BE FOUND

If MyiRadio searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

22. THE PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulation section.

23. REPRODUCTION FEES IN RESPECT OF COPIES FOR A PRIVATE BODY

A fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1,10 for every photocopy of an A4-size page of part thereof.

The fee for reproduction referred to in regulation 11 (1) are as follows:

- a) For every photocopy of an A4-size page or part thereof R1,10
- b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,75
- c) For a copy in a computer-readable form on:
 - (i) Stiffy disc R 7,50
 - (ii) Compact disc R 70,00
- d) (i) For a transcription of visual images for an A4-size page or part thereof R 40,00
- (ii) For a copy of visual images R 60,00
- e) (i) For a transcription of an audio record, for an A4-size page or part hereof R 20,00
- (ii) For a copy of an audio record R 30,00

The request fee payable by every requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

The access fees payable by a requester referred to in regulation 11 (3) are as follows:

- a) For every photocopy of an A4-size page or part thereof R 1,10
- b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form. R 0,75
- c) For a copy in a computer-readable form on –
 - (i) Stiffy disc R 7,50
 - (ii) Compact disc R 70,00
- d) (i) For a transcription of visual images for an A4-size page or part thereof R 40,00
- (ii) For a copy of visual images R 60,00
- e) (i) For a transcription of an audio record, foran A4-size page or part hereof R 20,00
- (ii) For a copy of an audio record R 30,00
- f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour, excluding the first hour reasonably required for such search and preparation.

1. For purposes of Section 54 (2) of the Act, the following applies:
 - a) Six hours as the hours to be exceeded before a deposit is payable; and
 - b) One third of the access fee is payable as a deposit by the requester.
2. The actual postage is payable when a copy of a record must be posted to a requester.