



# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

*In terms of section 51 of the Promotion of Access to Information Act  
Act 2 of 2000*

Date of Original Compilation: December 2011

Last update: July 2017

# Huawei PAIA Manual

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## **INTRODUCTION**

This document serves as the Huawei information manual as prescribed by Section 51 of the Promotion of Access to Information Act of 2000 ("Act" / "PAIA"). It provides reference to the records held by Huawei and the procedure to be followed when any request for access to such records is made.

## **SCOPE OF THE MANUAL**

The scope of this manual includes the following Huawei Technologies companies registered in the Republic of South Africa:

- Huawei Technologies Africa (Pty) Ltd; &
- Huawei Technologies South Africa (Pty) Ltd

## **AVAILABILITY**

This manual is available to the public for inspection on the Huawei website at [www.huawei.com/za](http://www.huawei.com/za) or on request from the designated contact person referred to in this manual.

## **INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT**

The responsibility for the administration and implementation of and compliance with the Act has been delegated by the CEO of both Huawei companies registered in South Africa to the PAIA Information Officer.

As a result all requests pursuant to the provisions of the Act should be directed to:

|                          |   |  |
|--------------------------|---|--|
| PAIA Information Officer | : | Herman Kannenberg  |
| Postal address           | : | Private Bag 89, Benmore, Johannesburg, 2010                                    |
| Physical address         | : | Block 7, Grayston Office Park, 128 Peter Road<br>Sandton<br>Johannesburg       |
| Phone number             | : | 011 517 9800   |
| Fax number               | : | 011 517 9801   |
| E-mail                   | : | <a href="mailto:Herman.kannenberg@huawei.com">Herman.kannenberg@huawei.com</a> |

## Huawei PAIA Manual

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### **DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

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. It is available in all of the official languages and can be inspected, *inter alia*, at the offices of the Human Rights Commission at:

29 Princess of Wales Terrace,  
cnr York and St. Andrews Streets,  
Parktown  
Johannesburg

and on its website at [www.sahrc.org.za](http://www.sahrc.org.za)

### **NOTICE IN TERMS OF SECTION 52(2) (IF ANY):**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.



## Huawei PAIA Manual

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### **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)**

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Broad Based Black Economic Empowerment Act, No. 75 Of 1997
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973 & Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Occupational Health and Safety Act 85 of 1993



## Huawei PAIA Manual

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### **SUBJECTS AND CATEGORIES OF RECORDS HELD BY HUAWEI: SECTION 51(1)(e)**

#### **1. COMPANIES ACT AND GENERAL CORPORATE GOVERNANCE RECORDS**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers as applicable
- Share Register and other statutory registers
- Policies
- Codes of Conduct
- Articles of Association
- Shareholder Agreement
- Share Certificates
- Corporate Structure information

#### **2. FINANCE AND ADMINISTRATION RECORDS**

- Accounting Records • Invoices and Statements
- Service Level Agreements • Agreements
- Banking Records
- Correspondence
- Management Reports
- Annual Financial Statements
- Tax Returns
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices
- All other statutory compliances regarding:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - Workmen's Compensation

## Huawei PAIA Manual

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### **3. HUMAN RESOURCE RECORDS**

- Employment contracts
- Employment Equity Plan
- Pension Fund records
- Salary records
- Disciplinary code
- Training records
- Performance Management records
- Training records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- Training Material, records and agreements
- PAYE Records
- Medical Aid records
- Disciplinary records
- SETA records
- Leave records
- Training Manuals
- Returns to UIF
- Training Manuals

### **4. MARKETING AND COMMUNICATION**

- Marketing Strategies
- Marketing information and brochures
- Agreements
- Business development information



## Huawei PAIA Manual

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### **ACCESS REQUEST PROCEDURE – SECTION 51(e)**

If suspected that a requester has obtained access to records through the submission of materially false or misleading information, Huawei reserves its right to institute the appropriate legal proceedings, which may include the laying of criminal charges, against such requester.

The requester must complete Form C, as attached hereto, and submit this form together with a request fee, to the Information Officer of Huawei as identified hereinabove.

The form must be submitted to the Information Officer of Huawei at the address, fax number, or electronic mail address as provided hereinabove.

The completed Form C must provide sufficient particulars to enable Huawei's information Officer to identify the record(s) requested and to identify the requester. The form should also include the following:

- 1) Indicate which form of access is required,
- 2) Specify a postal address or fax number of the requester in the Republic;
- 3) Identify the right that the requester is seeking to exercise or protect;
- 4) An explanation of why the requested record is required for the exercise or protection of that right;

If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, the requester shall state that manner and the necessary particulars to be informed in the other manner, if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer as defined above.



## Huawei PAIA Manual

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### FORM C

#### REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

(Act. No. 2 of 2000)

[Regulation 10]

#### A. PARTICULARS OF PRIVATE BODY

The information can be requested from Huawei's information Officer and at the contact details mentioned hereunder:

|                          |   |  |
|--------------------------|---|--|
| PAIA Information Officer | : | Herman Kannenberg  |
| Postal address           | : | Private Bag 89, Benmore, Johannesburg, 2010                                    |
| Physical address         | : | Block 7, Grayston Office Park, 128 Peter Road<br>Sandton, Johannesburg         |
| Phone number             | : | 011 517 9800   |
| Fax number               | : | 011 517 9801   |
| E-mail                   | : | <a href="mailto:Herman.kannenberg@huawei.com">Herman.kannenberg@huawei.com</a> |

#### B. PARTICULARS REQUESTER

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

Postal Address & Code: \_\_\_\_\_

\_\_\_\_\_

Fax Number: \_\_\_\_\_ Tel. number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Capacity in which the request is made, when made on behalf of another person:

\_\_\_\_\_

\_\_\_\_\_

## Huawei PAIA Manual

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### C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

*This section must be completed ONLY if requests for information is made on behalf of another person.*

Full names and surname: \_\_\_\_\_  
\_\_\_\_\_

Identity number: \_\_\_\_\_

### D. PARTICULARS OF RECORD

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*  
(b) *In the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record:

\_\_\_\_\_  
\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_  
\_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### E. FEES

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a non-refundable request fee has been paid.  
(b) You will be notified of the amount required to be paid as the request fee.  
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.  
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Huawei PAIA Manual

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### F. FORM OF ACCESS TO RECORD

Mark the appropriate box with an X.

#### NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

#### 1. If the record is in written or printed form:

- ☐ Copy of record\*   ☐ Inspection of record

#### 2. If the record consists of visual images (this includes photographs, slide, video recordings, computer – generated images, sketches etc.):

- ☐ View the images copy of the images\*   ☐ Transcription of the images\*

#### 3. If the record consists of recorded words or information which can be reproduced in sound:

- ☐ Listen to the soundtrack (audio cassette)
- ☐ Transcription of soundtrack\* (written or printed document)

#### 4. If the record is held on computer or in an electronic or machine readable form:

- ☐ Printed copy of record\*   ☐ Printed copy of information derived from the record\*
- ☐ Copy in computer readable form\* (compact disc)

\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **Postage is payable.** Yes / No

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in which form the record is required.

Disability: \_\_\_\_\_

Form in which record is required: \_\_\_\_\_



## Huawei PAIA Manual

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### G. PARTICULARS OF RIGHT TO BE EXERCISED OF PROTECTED

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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### H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS:

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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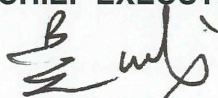
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Signed at \_\_\_\_\_ on this \_\_\_\_ day of 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON

REVISED AND APPROVED ON THIS 12<sup>TH</sup> DAY OF JULY 2017

BY THE CHIEF EXECUTIVE OFFICER



\_\_\_\_\_  
Mr WU CONGCHENG