



**Huawei Technologies Africa (Pty) Ltd &
Huawei Technologies South Africa (Pty)
Ltd (“Huawei”)**

**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: June 2021

INTRODUCTION

This document serves as the Huawei information manual as prescribed by section 51 of the Promotion of Access to Information Act of 2000 (“PAIA”), as amended by the Protection of Personal Information Act, 2013 (“POPIA”). 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.

POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

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 or on request from the designated contact person referred to in this manual.

INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE PAIA

The responsibility for the administration and implementation of and compliance with PAIA 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 PAIA should be directed to:

The PAIA Information Officer

Postal address : Same as physical address
Physical address : Block 16, Huawei Office Park, 124 Western Services
Road, Woodmead, 2191
Johannesburg
Phone number : 011 517 9800
E-mail : infoofficerhwa@huawei.com and/or
infoofficehwsa@huawei.com

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

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. 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

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 PAIA.

INFORMATION REGULATOR

Any queries where you believe Huawei has not adequately dealt with your request, or to lodge a complaint should be directed to:

The Information Regulator
JD House,
27 Stiemens Street, Braamfontein,
Johannesburg 2001
Website: www.justice.gov.za
Email: infoereg@justice.gov.za

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

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

3. HUMAN RESOURCE RECORDS

- Employment contracts
- PAYE Records
- Employment Equity Plan
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals
- Performance Management records
- Returns to UIF
- Training records
- Training Manuals

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- Training Material, records and agreements

4. MARKETING AND COMMUNICATION

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

AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via Huawei's website about Huawei is automatically available and need not be formally requested in terms of this manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- brochures
- press releases
- publication; and
- various other marketing and promotional material.

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, attached as Annexure A 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.

POPIA provides that a data subject may, upon proof of identity, request Huawei to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA provides that a data subject may object, at any time, to the processing of personal information by Huawei, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing.

A data subject may also request Huawei to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Huawei is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

A data subject that wishes to:

- object to the processing of their personal information must complete the form attached hereto as Annexure B; and
- request a correction or deletion of personal information or the destruction or deletion of a record of personal information must complete the form attached hereto as Annexure C and submit it to the Information Officer.
- Data subjects can also access the following online portal to submit the above objections and/or requests:
<https://www.huawei.com/za/personal-data-request>

PRESCRIBED REQUEST FEES

Prescribed fees were published by the Minister of Justice and Constitutional Development in the Government Gazette No. 23119, General Notice No. 187 of 15 February 2002. Please refer to Annexure D for Huawei's fee structure.

INFORMATION AVAILABLE IN TERMS OF POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Huawei's will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to Huawei's Privacy Policy for further information – The policies for both Huawei entities registered in South Africa can be found here: <https://www.huawei.com/za/privacy-policy> & <https://www.huawei.com/za/privacy-policy-1>.

Categories of personal information collected by Huawei

Huawei may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

The purpose of processing personal information

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by Huawei will depend on the nature of the data and the

particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

In general, personal information is processed for purposes of on-boarding clients and suppliers, service or product delivery, records management, security, employment and related matters.

A description of the categories of data subjects

Huawei holds information and records on the following categories of data subjects:

- employees / personnel of Huawei;
- clients of Huawei;
- any third party with whom Huawei conducts business;
- contractors of Huawei; and
- suppliers of Huawei.

(This list of categories of data subjects is non-exhaustive).

The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the personal information, Huawei may supply information or records to the following categories of recipients:

- statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;

- anyone making a successful application for access in terms of PAIA or POPIA; and
- subject to the provisions of POPIA and other relevant legislation, Huawei may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Huawei operates.

Planned transborder flows of personal information

If a data subject visits Huawei's website, the various communications may result in the transfer of information across international boundaries.

Huawei may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.

These countries may not have data-protection laws which are similar to those of South Africa.

A general description of information security measures to be implemented by Huawei

Huawei takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Huawei takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

ANNEXURE A – 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	:	Same as physical address
Physical address	:	Block 16, Huawei Office Park, 124 Western Services Road, Woodmead, 2191, Johannesburg
Phone number	:	011 517 9800
E-mail	:	Herman.kannenberg@huawei.com

B. PARTICULARS OF 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:

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if request 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: _____

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: _____

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:

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

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?

Signed at _____ on this ____ day of 20____.

SIGNATURE OF REQUESTER / PERSON

**ANNEXURE B
FORM 1 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION -
SECTION 11(3)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018**

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()

Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....

Signature of data subject/designated person

ANNEXURE C

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS
OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018**

[Regulation 3]

Note:

- 1. Affidavits or other documentary evidence as applicable in support of the request may be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3. Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

is in Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
----------	------------------------------------

Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a)</p> <p>WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b)</p> <p>WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>

Signed at this day of20.....

.....

Signature of data subject/ designated person

ANNEXURE D Fees Payable

Request fees:

- Where a Requestor submits a request for access to information held by Huawei relating to a person other than the Requestor, a request fee in the amount of R50.00 is payable up-front. Upon receipt of payment, Huawei will further process the received request.
- If access to a record/s is granted by Huawei, the Requestor may be required to pay an access fee for the search for, the preparation and for the re-production of the record/s. The access fees which apply are set out below.
- An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of PAIA or an exclusion is determined by the Minister in terms of Section 54 (8). This includes the following:
 - A single person whose annual income does not exceed R14,712.00; or
 - Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00
- Huawei, as a registered Private Body, will add VAT to all aforementioned fees in terms of the Value Added Tax (VAT) Act.
- A Requestor may lodge a complaint with a court of law against the payment of the request fee.
- All payments shall be made in the form of an Electronic Funds Transfer (EFT) to the Huawei bank account. Banking details to be obtained from Huawei's Information Officer.

Huawei is entitled to withhold a record until the required access fees have been paid. The applicable access fees which will be payable are:

Access Fees for Reproduction	
Each photocopy of A4 sized part or a part thereof	R1.10
Each photocopy of A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Copy of a computer readable memory stick	R7.50

Copy of a computer readable compact disc	R70.00
Transcript copy of visual images of an A4 sized page or part thereof	R40.00
Copy of visual images	R60.00
Transcription of an audio record on an A4 sized page or part thereof	R20.00
Copy of the audio record	R30.00
Times reasonably spent to locate a record and preparation for the disclosure or part thereof	R30.00 per hour
Request Fees	
Access to a record containing personal information of the Requestor	Free
Any other access to a record as a public body made by a Requestor and another person other than the Requestor	R50.00
Postal Fees	
Postage of a record to the Requestor	R9.75
Courier of a record to the Requestor	R99.00

Deposits:

- Where Huawei receives a request for access to information held on a person other than the Requestor himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record/s of disclosure will take more than 6 (six) hours, a deposit is payable by the Requestor.
- The Requestor may make an application to Court to be exempted from the requirement to pay this deposit.
- If a deposit is made and access to the record/s requested is subsequently refused, the deposit will be repaid to the Requestor. The amount of the deposit is equal to a 1/3 (one third) of the amount of the applicable access fee.

REVISED AND APPROVED ON THIS 30th DAY OF JUNE 2021

BY THE CHIEF EXECUTIVE OFFICER



Mr. Fan Wen (Spawn)