



## PROMOTION OF ACCESS TO INFORMATION MANUAL

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	02	3rd version of PAIA Manual	GRC	Chief Governance Risk & Compliance Officer

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**MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (Act No. 2 of 2000) AND THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act.4 No of 2013)**

**1. INTRODUCTION**

- 1.1. This information manual ("the Manual")-is published in pursuance of section 10 of Promotion of Access to Information Act No.2 of 2000 (PAIA) as amended which seeks to assist a person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act, 2013 (POPI).
- 1.2. The right to access to information is subject to certain justifiable limitations, including, but not limited to limitations relating to the reasonable protection of privacy, commercial confidentiality as well as effective, efficient and good governance, as contemplated in Section 9 (b) (i).
- 1.3. Where a request is made in terms of PAIA as amended by POPIA, the body to which the request is made is obliged to release the information, except where PAIA and POPIA expressly provides that the information may not be released. PAIA sets out the required procedure to make such a request.
- 1.4. However, PAIA also recognizes that such right to access to information cannot be without justifiable limitations as follows:
  - a) the reasonable protection of privacy;
  - b) commercial confidentiality; and
  - c) effective, efficient and good governance.
- 1.5.
- 1.6. The purpose of the PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.
- 1.7. Section 14 of PAIA as amended by POPIA requires public bodies to compile a manual that would assist a person or organization to obtain access to information held by the public body and stipulates minimum requirements which a manual must comply with. The purpose of this Manual is to outline the procedures to be followed in accessing information held by Air Traffic and Navigation Services Company (ATNS) in accordance with PAIA and POPIA.

**2. PURPOSE OF THE MANUAL**

The purpose of this Manual is to set out the procedures to be followed and criteria that have to be met for anyone (the "requester") to request access to records in the possession or under the control of ATNS.

**3. DEFINITIONS**

“Employee” refers to any person who works for or provides services to or on behalf of the organisation and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the organisation, and who has a written contract of employment with ATNS.

“**Form 2**” refers to a form that can only be used if you want to request access to the records of a public or private body.

“**Form 4**” refers to a form can only be used if you want to submit an internal appeal against the decisions of the Information Officers or that of the Deputy Information Officers of a National, Provincial or Local Sphere of Government to which an internal appeal is applicable.

“Information Officer” means a person or persons acting on behalf of ATNS who is responsible for discharging duties and responsibilities assigned to the Chief Executive Officer or equivalent officer, as prescribed in terms of PAIA may include the Deputy Information Officer.

“**Information Regulator**” refers to the Office of the Information Regulator that has been established, in terms of section 39 of POPIA, to monitor and enforce compliance with both POPIA and PAIA. In this manual the Office of the Information Regulator or the information Regulator is referred to as the Regulator.

“Organisation” refers to Air Traffic and Navigation Services SOC Limited (ATNS)

“Other Requester” means any requester other than a personal requester.

“Personal Requester” means a requester who is seeking to access a record containing personal information about the requester.

“Requester” means any person making a request for access to a record that is under the control of ATNS.

“Third Party” means any natural or juristic person other than the requester or such party acting on behalf of the requester.

#### **4. AVAILABILITY OF THE MANUAL**

This Manual can be accessed on our website at [www.atns.co.za](http://www.atns.co.za) or by requesting a copy by e-mail from the relevant Deputy Information Officer as provided for in paragraph 6 below. The Manual may also be obtained from the Information Regulator.

#### **5. FUNCTION AND STRUCTURE OF ATNS**

- 5.1. The South African Government through the Department of Transport (DoT) is the sole Shareholder of ATNS and thus ATNS was established in terms of Section 2 of the Air Traffic and Navigation Services Company Act, 45 of 1993. It is a schedule 2 Public Entity in terms of the Public Finance Management Act, 1 of 1999.
- 5.2. The objective of ATNS is acquisition, establishment, development, provision, maintenance, management, control or operation of air navigation infrastructure, air traffic services or air navigation services.
- 5.3. ATNS is a sole provider of air traffic management, communication, surveillance, navigation, training and associated service within South Africa. ATNS manages ten percent of the world's airspace. ATNS strives to continuously provide safe air space, orderly, expeditious and efficient

management of Air Traffic Management services. The company operates at 21 aerodromes within the country, including OR Tambo, Cape Town and Durban International Airports.

- 5.4. In the rest of the African Continent, ATNS provides inter alia, Aeronautical Satellite, Communication networks known as VSAT Networks, WGS 84 surveys, documentation, airspace design, AIP documentation Billing Services and Consultancy services.
- 5.5. The services provided extend from Cape Town to Cairo interconnecting more than 33 states in Africa and Middle East. ATNS academy provides training to students from South Africa and other African Countries on Aeronautical information services (AIS).
- 5.6. ATNS has a Board which manages the affairs of ATNS, and exercises control over the performance of its functions, the exercise of its powers and the execution of its duties. The Board has assigned certain powers to the Chief Executive Officer who is responsible for the general management of ATNS.
- 5.7. ATNS is made up of the following Departments:
  - Engineering and Technical Services
  - Operations
  - Air Traffic Management
  - Commercial Services
  - Risk
  - Legal and Compliance
  - Human Capital
  - Finance

## 6. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

6.1. In terms of the Act, the Chief Executive Officer of a public body is automatically designated as the Information Officer.

6.2. The Information Officer has designated:

Deputy Information Officer: Chief Governance Risk and Compliance Officer  
E-mail: legalrequests@atns.co.za

Company Secretary  
Email: cosec@atns.co.za

Chief: Human Capital Officer  
Email: humanresourceconsultants@atns.co.za

Chief Technology and Information Officer  
Email: T\_i\_management\_sec\_@atns.co.za

However, to ensure proper processing of requests, all requests for information must be addressed to the Legal Counsel.

## 7. CONTACT DETAILS

7.1. ATNS office is situated in Eastgate Office Park, in Bruma, Johannesburg. Head Office is responsible for handling all request for access to information pertaining to all offices and branches of ATNS.

Physical address: Eastgate Office Park  
Block C

South Boulevard Road  
Bruma, 2198, Gauteng South Africa

Postal address: Private Bag X15  
Kempton Park  
1620

Business Telephone: +27 11 607 1000

Fax: +27 11 607 1570

Website address: [www.atns.co.za](http://www.atns.co.za)

## 8 GUIDE ON HOW TO USE PAIA

- 8.1 This PAIA Guide has been developed in fulfilment of the Information Regulator's ("Regulator") obligation under Section 10 of the PAIA, which requires the Regulator to update and make available the existing Guide that has been compiled by the South African Human Rights Commission.
- 8.2 This PAIA Guide has been designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act, 2013.
- 8.3 Enquiries regarding the PAIA Guide should be addressed to Information Regulator South Africa, the contact details of which are as follows:

Information Officer  
Chief Executive Officer: Mr. Mosalanyane Mosala  
Contact Person: Ms. Pfano Nenweli  
Email: [PNenweli@justice.gov.za](mailto:PNenweli@justice.gov.za)

Deputy Information Officer: Ms. Varsha Sewlal  
Email: [VarSewlal@justice.gov.za](mailto:VarSewlal@justice.gov.za)

Physical Address: JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg 2001

Postal Address: P.O. Box 31533  
Braamfontein  
Johannesburg 2017

Telephone: 010 023 5200

## 9 MANNER OF REQUEST

- 9.1. ATNS can be regarded as both the Public Body and a Private Body depending on the record to be accessed.
- 9.2. ATNS will be regarded as a public body where the records relate or are relevant to the exercise of a power or the performance of a function in terms of legislation or the founding Act. All regulated services will fall under this category.
- 9.3. ATNS will be regarded as a Private Body if the record requested, relates to the exercise of a power or the performance of a function of a Private Body. Employee related matters will fall under this category.

- 9.4. All requests for access to information relating to ATNS as a Public Body will be dealt with in terms of Section 11 of the Act. Any other unregulated Services will be dealt with in terms of Section 50 of the Act as this relates to record of ATNS in a capacity as Private Body.

## 10 PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

- 10.1. The requester must fill in a prescribed Form 2 and forward a request to the Information Officer. The requester must indicate whether the request is for a copy of the record or inspection of the relevant record. These forms can be obtained on the Regulator's website at <https://www.justice.gov.za/inforeg>
- 10.2. If the requester requests access in a particular form, access will be granted in such a manner in which the request was made, unless doing so will interfere unreasonably with the running of **ATNS**, if it will infringe on copyright not owned by **ATNS** or if it will cause damage to the record.
- 10.3. If, in addition to a written reply to the request for the record, the requester wants to be informed telephonically, this must be indicated on the application form.
- 10.4. If the requester is requesting access on behalf of another person, the capacity in which the requester is making the request must be indicated.
- 10.5. If the requester is unable to read or write, or has a disability, then a request can be made orally. The Information Officer will assist such requester to fill in a form on behalf of a requester and give him a copy.

## 11 CONSIDERING THE REQUEST

- 11.1. Subject to the provisions of the Act, access to records requested from ATNS will only be given if the following conditions are met:
- All the procedural requirements set out in **PAIA** relating to a request are met; and;
  - Access to the requested record/s is not refused in terms of any ground for refusal set out **PAIA**.

The grounds of refusal are and includes mandatory protection of:

- commercial and **confidential** information of a third party;
  - **personal information of a third party**;
  - certain confidential information;
  - safety of individuals, and protection of property;
  - records privileged from production in legal proceedings;
  - economic interests and financial welfare of the Republic and commercial activities of public bodies;
  - research information of a third party, and protection of research information of a public body; or
  - certain information regarding the operations of public bodies.
- 11.2. ATNS may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.
- 11.3. Records requested for the purpose of criminal or civil proceedings are excluded from the ambit of PAIA if they are requested after the commencement of those proceedings and the production of, or access to, the record is provided for in any other law. Any record obtained in contravention of the exclusion is not admissible as evidence in the proceeding unless the court is of the opinion that the exclusion of the record would be detrimental to the interests of justice.

- 11.4. In terms of the International Civil Aviation Organisation (“ICAO”) Annex 13, paragraph 8.3, certain records cannot be disclosed and ATNS will take that into account when a request is made. ICAO Annex 13 Paragraph 8.3, states as follows:
- the State conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations;
  - all statements taken from persons by the investigation authorities in the course of their investigation;
  - all communications between persons having been involved in the operation of the aircraft;
  - cockpit voice recordings and transcripts from such recordings;
  - recordings and transcriptions of recordings from air traffic control units; and
  - opinions expressed in the analysis of information, including flight recorder information.

## **12 FEES PAYABLE**

- 12.1 The Act makes provision for two types of fees, namely a prescribed fee and an access fee, which must be paid to ATNS for the access of record.
- 12.2 A personal requester is not required to pay a request fee.
- 12.3 A required prescribed fee is payable for any request if the requester is not requesting a record containing his personal information. The Deputy Information Officer, or duly authorised person, will notify the requester before processing the request to pay the prescribed fee.
- 12.4 The request fee payable to public bodies is as set out in Annexure A, payable on submission of each application. This amount is not refundable. “Annexure A” is accessible from the Government Notice R187 dated 15 February 2002 PART II (Fees in respect of Public Bodies).
- 12.5 After the Deputy Information Officer has made a decision on the request, the requester will be notified of such request and a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record.

## **13 TRANSFER OF A REQUEST**

- 13.1 When ATNS receives a request that should have been made to another public body, ATNS can to either:
- assist the requester to make the request to the appropriate body; or
  - transfer the request to the correct body - whichever will result in the request being dealt with earlier.
- 13.2 Despite the election to either transfer the request or assist the requester to make the request to the appropriate body, a mandatory obligation to transfer a request is placed on the Information Officer of ATNS to transfer the request as soon as reasonably possible, but within 14 (fourteen) days of the request being received, where:
- the record requested is in the possession of another public body;
  - the subject matter of the requested record is more closely connected with the functions of another public body; or
  - the record contains commercial information in which another public body has a greater commercial interest.



- 13.3 An information officer is also obliged to transfer a request where it does not hold the record requested and where it is unsure which public body does hold the record or where the subject matter of the record is not closely connected with the functions of the public body and it is not sure which public body the subject matter is more closely connected with.
- 13.4 In those circumstances the information officer must transfer the request to the public body for which the record was originally created or received by. Such a transfer must also occur as soon as reasonably possible but within 14 (fourteen) days of the request being received.
- 13.5 When transferring the request, ATNS must notify the requester of the transfer, the reasons for the transfer and the period in which the request must be dealt with immediately upon transferring the request.

## **14 RECORDS HELD BY ATNS**

- 14.1 Records available from ATNS without a person having to request access in terms of PAIA (Voluntary disclosure and automatic available record).

The Annual Report of ATNS (The annual report can be downloaded from the Website at [www.atns.co.za](http://www.atns.co.za)), general information, service information and ATNS's brochure are available on ATNS's website.

- 14.2 Description of subjects and categories of records held by the ATNS

The following records are available, but disclosure thereof is not automatic and is subject to Chapter 3 of PAIA. Each request will be evaluated on a case by case basis in accordance with the provisions of the Act.

- Financial records;
- Operations records;
- Air Traffic and Management records;
- Engineering records;
- Internal Correspondences;
- Internal policies, directives and procedures;
- Statutory records;
- Human Resource records.

- 14.3 Services and information available to the public at a fee**

- Upper Airspace Management;
- VSAT/NAFISAT;
- WGS- 84 Survey;
- Aeronautical Information Services Documentation;
- Central Aeronautical Database (CAD);
- Billing Services;
- Flight Procedure Design;
- Airspace Design;
- Engineering Services; and
- Training

## **15 PROCESSING OF PERSONAL INFORMATION**

## 15.1 PURPOSE OF PROCESSING

15.1.1 ATNS processes personal information for purposes of:

- Employment administration;
- Procurement and supply;
- Processing payments;
- Complying with ATNS' obligations;
- Contractual obligations;
- Conducting due diligence processes;
- Accounts retention and records;
- Providing the ATNS bursary programme;
- Complying with the ATNS' investment and/or procurement strategies;
- Adherence to the Financial, Environmental, Social and Governance obligations;
- Complying with any other administrative purposes in terms of relevant laws, codes of good practice and standards.

## 15.2 CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION

15.2.1 ATNS may possess or possesses records relating to clients, airlines, students, employees, board members, service providers and members of the public.

Data Subject Category	Personal Information Processed
Natural Persons	Names; surname; contact details; physical and postal addresses; date of birth; identification number; passport number; tax number; tax related information; nationality; gender; age; disability; marital and pregnancy status; race ;bank account details; biometric information; health information; confidential correspondence; Information relating to children; education and employment history.
Juristic Persons / Entities	Names of contact persons; name of legal entity; Physical address; postal address; contact details; financial information; registration number; founding documents; tax related information.
Service Providers	Names of contact persons; name of legal entity; Physical; postal address; contact details; financial information; registration number; founding documents; tax related information.
Employees / Board Members	Names; surname; contact details; physical and postal addresses; date of birth; identification number; passport number; tax number; tax related information; nationality; gender; age; disability; marital and pregnancy status; race ;bank account details; biometric information; health information; confidential correspondence; Information relating to children; well-being; education and employment history.

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### **15.3 CATEGORIES OF RECIPIENTS FOR PROCESSING THE PERSONAL INFORMATION**

15.3.1 ATNS may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Conducting due diligence checks.

### **15.4 TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

15.3.2 ATNS may share personal information with international organisations from time to time. ATNS will take reasonable steps to ensure that it continues to protect personal information regardless of its location.

### **15.5 GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES**

15.5.1 ATNS has information technology infrastructure to ensure the confidentiality, integrity and availability of the Personal Information under its care.

15.5.2 Measures include but are not limited to the following:

- Firewalls;
- Virus protection software and update protocols;
- Secure access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Non-Disclosure Agreements.

## **16 APPEAL PROCEDURE**

16.1 In terms of PAIA and the Constitution of the Republic of South, everyone has a right to access information held by a Public Body provided such record does not fall within the category of records prohibited in terms of Chapter 3.

- 16.2 Should the requester feel that the refusal to grant access to the record is unjustifiable, he or she can lodge an Appeal with the Information Officer. An internal appeal must be lodged in the prescribed form, within 60 (days) of the decision. The Appeal must contain information on the decision being appealed against, the reasons for the appeal and any other information that is known by the requester relating to the appeal. The prescribed form referred to as Notice of Internal Appeal Form 2. These forms can be obtained on the Regulator's website at <https://www.justice.gov.za/inforeg>
- 16.3 After exhausting the internal appeal remedies, an application may be lodged with a court of law.
- 16.4 For process flow refer to the Annexure.

## 17 UPDATING OF MANUAL in terms of Section 14(3) of PAIA

The manual will be updated on an annual basis and as soon as the updated version is available, it will be made available to the public in the manner indicated below.


## 18 AVAILABILITY OF MANUAL

The manual will be made available in the following manner:

- From each Legal Deposit as defined in section 6 of the Legal Deposits Act 1997;
- The English version will be published in the Government Gazette;
- The manual can also be accessed on ATNS website (<http://www.atns.co.za>);
- Information Regulator.

## 19 CONCLUSION

The manual's purpose is to promote transparency and accountability and to enable the members of the public to exercise their Constitutional Right to access to information. ATNS will submit an annual report to the Information Regulator on the implementation of PAIA.

Chief Governance Risk & Compliance Officer		
	SIGNATURE	DATE

AUTHORITY/CAPACITY	SIGNATURE	DATE

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### Attachments

DOCUMENT	TYPE	VERSION