

TAKE-DOWN PROCEDURE

As members of ISPA, Converged Telecoms abides by the ISPA code of conduct. In accordance with this code, if you have discovered content on our network that you believe is unlawful, you are welcome to send a take-down notification to ISPA, requesting that the material concerned be removed. This request must be made in writing and can be hand-delivered, posted, faxed or emailed. Email is preferable. While you are welcome to phone ISPA with queries, please note that ISPA cannot process take-down requests made telephonically.

Email Address takedown@ispa.org.za

Fax number 086 606 4066

Phone number (queries only) 010 500 1200 or 087 550 1200

There are a number of specific requirements for a take-down notification set out in the legislation. If your notification does not include all of this information, ISPA will not be able to process it. Your take-down request must include the following:

- Your full name
- Your address
- Your telephone number
- Your email address (if you have one)
- The name of the service provider against whom you are making the complaint
- A clear and unambiguous identification of the unlawful material or activity (*for example, the URL of web page on which the material appears with optional screenshot*)
- A description of the right that you believe has been infringed by the material or activity concerned (*for example, "my right to privacy is being infringed by the publication of my credit card number"*)
- The remedial action you wish the service provider to take (*for example, "the credit card number should be removed"*)
- A statement that the information in your complaint is, to your knowledge, true and correct and that you are acting in good faith.
- Your signature (*either written or electronic*)

Important note: In terms of section 77(2) of the Electronic Communications and Transactions Act, any person who lodges a notification of unlawful activity with a service provider knowing that it materially misrepresents the facts is liable for damages for wrongful take-down.

Note: you can also request a Take-down.

Upon receipt of your take-down request, ISPA will confirm that all of the required information is included. ISPA will also check that the content you are referring to is hosted on that organisation's network, and that the remedial action you have requested is feasible. If, for some reason, your request fails one of these tests, you will be notified of the reason. If the request passes these tests, it will be forwarded on to the service provider in question, and you will receive a reply acknowledging receipt of your take-down request. You should get a response from ISPA within three working days. Should you not receive some form of response to your notification within three working days, please contact complaints (at) ispa.org.za or call ISPA at the phone number listed above.

Once a service provider has responded to the notification, either by removing the content concerned, or by refusing to remove the content for some reason, you will receive a further notification from ISPA. (You may also receive correspondence directly from the service provider concerned.) Should you not receive this further notification within seven days of your original complaint, please contact complaints (at) ispa.org.dot.za or call ISPA at the phone number listed above.

Example of a take-down notification which contains all of the required information:

Dear ISPA,

I have discovered that my personal contact information, identification details, and credit card number is publicly listed on a website hosted by an ISPA member. The ISPA member is [Member Name] and the location of my personal information and banking details is [URL, optional screenshot included]. I believe that the content located on this site infringes on my right to privacy, and request that access to the file immediately be blocked.

My contact details are as follows:

- John Doe
- 1 Internet Rd, Northgate, Johannesburg
- Tel: 086 000 000
- Email: johndoe@xyz.com

The information contained in this take-down request is, to the best of my knowledge, true and correct and I am acting in good faith.

Regards,

John Doe