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**GOVERNMENT NOTICES**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****No. R. 92****6 February 2009****NOTICE IN TERMS OF SECTION 31 OF THE REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION-RELATED INFORMATION ACT, 2002 (ACT NO. 70 OF 2002): FIXED LINE OPERATORS**

I, Mohamed Enver Surty , Minister of Justice and Constitutional Development, acting under section 31(1)(a) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002), hereby prescribe in the Schedule the forms of assistance in the execution of a direction for which an electronic communication service provider who provides a fixed line service (hereinafter referred to as a “fixed line operator”) must be compensated and the compensation payable to a fixed line operator.

**M. E. SURTY****MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

## SCHEDULE

### Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and unless the context otherwise indicates –

“**interception target**” means the origin or destination of electronic communication traffic, usually identifiable by a logical or virtual electronic communications identity number (such as personal telephone number or subscriber number), of a customer whose indirect communications are to be intercepted and routed to the interception centre, or whose real-time communication-related information or archived communication-related information is to be routed by a fixed line operator to an interception centre or provided to a law enforcement agency pursuant to a direction.

### Forms of assistance and compensation

2. (1) A fixed line operator shall for the forms of assistance set out in Column 1 of the Tables be compensated in accordance with the tariffs mentioned in Column 2 of the Tables:

**TABLE 1: ROUTING OF INDIRECT COMMUNICATIONS**

Column 1 Forms of assistance	Column 2 Tariffs of compensation
(a) Identification of the interception target. (b) Obtaining proof of authority to receive and proof of authority to send from the interception centre. (c) The activation of software or a device on the electronic communication system of the fixed line operator by a designated person in order to route the indirect communications to the interception centre.	(a) For the assistance prescribed in paragraphs (a), (b), (c), (d) and (e), an all inclusive tariff of R420,00 per interception target. (b) If a direction for routing both indirect communications and real-time communication-related information, as intended in Table 2, is served on a fixed line operator in respect of the same interception target for the same period of time, the fixed line operator shall only be

<p>(d) The maintenance of the interception measure for the period identified in the direction.</p> <p>(e) The de-activation of the software or device referred to in paragraph (c) on the expiry date of the direction.</p>	<p>allowed the tariffs prescribed under paragraph (a) in respect of both directions.</p>
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**TABLE 2: ROUTING OF REAL-TIME COMMUNICATION-RELATED INFORMATION DURING AN ACTIVE INTERCEPT OR IN RESPECT OF A FUTURE PERIOD OF TIME**

<p align="center"><b>Column 1</b></p> <p align="center"><b>Forms of assistance</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Tariffs of compensation</b></p>
<p>(a) Identification of the interception target.</p> <p>(b) Obtaining proof of authority to receive and proof of authority to send from the interception centre.</p> <p>(c) The activation of software or a device by a designated person on the electronic communication system of the fixed line operator in order to route the real-time communication-related information to the interception centre.</p> <p>(d) The maintenance of the interception measure for the period identified in the direction.</p> <p>(e) The de-activation of the software or device referred to in paragraph (c) on the expiry date of the direction.</p>	<p>For the assistance prescribed in paragraphs (a), (b), (c), (d) and (e), an all inclusive tariff of R420,00 per interception target.</p>

**TABLE 3: ROUTING OF REAL-TIME COMMUNICATION-RELATED INFORMATION**

<b>Column 1</b> <b>Forms of assistance</b>	<b>Column 2</b> <b>Tariffs of compensation</b>
(a) Identification of the interception target.	For the assistance prescribed in paragraphs (a), (b), (c) and (d), an all inclusive tariff of R30,00 per interception target.
(b) Retrieval of the required information specified in the direction from the storage facility of the fixed line operator.	
(c) Obtaining proof of authority to receive and proof of authority to send from the interception centre.	
(d) The activation of software or a device by a designated person on the electronic communication system of the fixed line operator in order to route the archived communication-related information to the interception centre.	

**TABLE 4: ROUTING OF ARCHIVED COMMUNICATION-RELATED INFORMATION**

<b>Column 1</b> <b>Forms of assistance</b>	<b>Column 2</b> <b>Tariffs of compensation</b>
(a) Identification of the interception target.	For the assistance prescribed in paragraphs (a), (b), (c) and (d), an all inclusive tariff of R40,00 per interception target.
(b) Retrieval of the required information specified in the direction from the storage facility of the fixed line	

<p>operator.</p> <p>(c) Obtaining proof of authority to receive and proof of authority to send from the interception centre.</p> <p>(d) The activation of software or a device by a designated person on the electronic communication system of the fixed line operator in order to route the archived communication-related information to the interception centre.</p>	
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**TABLE 5: PROVISION OF REAL-TIME COMMUNICATION-RELATED INFORMATION**

<b>Column 1</b> <b>Forms of assistance</b>	<b>Column 2</b> <b>Tariffs of compensation</b>
<p>(a) Identification of the interception target.</p> <p>(b) Retrieval of the required information specified in the direction from the storage facility of the fixed line operator.</p> <p>(c) The provision of the real-time communication-related information to the person who served the direction on the fixed line operator.</p>	<p>For the assistance prescribed in paragraphs (a), (b) and (c), an all inclusive tariff of R30,00 per interception target and an additional amount of -</p> <p>(a) R4,30 per page on which the information is printed; or</p> <p>(b) R12,00 if it is provided in electronic medium stored on a removable disk.</p>

**TABLE 6: PROVISION OF ARCHIVED COMMUNICATION-RELATED INFORMATION**

<b>Column 1</b> <b>Forms of assistance</b>	<b>Column 2</b> <b>Tariffs of compensation</b>
<p>(a) Identification of the interception target.</p> <p>(b) Retrieval of the required information specified in the direction from the storage facility of the fixed line operator.</p> <p>(c) The provision of the archived communication-related information to the person who served the direction on the fixed line operator.</p>	<p>For the assistance prescribed in paragraphs (a), (b) and (c), an all inclusive tariff of R40,00 per interception target and an additional amount of –</p> <p>(a) R4,30 per page on which the information is printed; or</p> <p>(b) R12,00 if it is provided in electronic medium stored on a removable disk.</p>

- (2) When a fixed line operator has to execute a direction –
- (a) after 16h00 during week days;
  - (b) after 13h30 on Saturdays;
  - (c) on a Sunday; or
  - (d) on a public holiday,

the fixed line operator is entitled to be compensated at a tariff of R350,00 per interception target identified in the direction in addition to any other tariff provided for in Column 2 of the Tables: Provided that if a direction for routing both indirect communications and real-time communication-related information during an active intercept or in respect of a future period of time is served on a fixed line operator in respect of the same interception target for the same period of time, the fixed line operator is only entitled to a tariff of R350,00 for the execution of both directions.

- (3) The tariffs in paragraph 2(1) and (2) exclude Value Added Tax.