



REPUBLIC OF SOUTH AFRICA

FORM 5
[Regulation 7]
DIRECTION TO ELECTRONIC COMMUNICATIONS SERVICE PROVIDER TO FURNISH
INFORMATION TO COURT
SECTION 4(1)(b) AND (2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)
(CONFIDENTIAL)

APPLICATION NO. /

DIRECTION NO/20.....

To:
(Electronic communications service provider)

(a) Facsimile number of Magistrate's Court:

(b) Phone number of Magistrate's Court:

(* Delete whichever is not applicable)

To be completed by the magistrate:

1. On(date) an application for the issuing of an interim protection order against the harassment of the *complainant/*related person was considered by me
(name and surname of magistrate) in the Magistrate's court for the district of

2. As a result of evidence that was produced to the court I am satisfied in terms of section 3(2) of the Protection of Harassment Act, 2011 (Act No. 17 of 2011), that an interim protection order must be issued as a result of the harassment of the *complainant/*related person by means of electronic communications or electronic mail over an electronic communications system of an electronic communications service provider.

3. The relevant particulars of the *complainant/*related person are as follows:

3.1 Full names and surname:

3.2 Address:

3.3 Identity number:

3.4 Contact number:

4. Particulars of harassing electronic communications or electronic mail:

A. Name of electronic communications service provider which provides an electronic communications service/s to the *complainant/*related person through which the harassing conduct was received and type of electronic communications service so provided	
B. Electronic communications identity number/s associated with the aforementioned service/s assigned to the *complainant/*related person.	

C. Date on which electronic communications were received by *complainant/*related person.	
D. Time on which electronic communications were received by *complainant/*related person.	
E. Duration of communication received by *complainant/*related person.	
F. Electronic communications identity number from which the harassing communication originated, where available.	
G. Electronic communications service provider to which the electronic communications identity number mentioned in paragraph F has been assigned.	

***5. To be completed where the electronic communications identity number from which the harassing conduct originated and the electronic communications service provider to which such electronic communications identity number has been assigned, have been identified either by the complainant or by an electronic communications service provider in terms of paragraph 6, below**

As indicated in paragraph 4, above, the electronic communications identity number/s from which the harassing conduct originated and the electronic communications service provider to which such electronic communications identity number/s has/have been assigned, has/have been identified (see paragraphs 4.F and 4.G, above) and the electronic communications service provider is therefore directed to provide the court with —

- (a) the full names, surname, address and identity number of the person to which such electronic communications identity number/s has/have been assigned if the person is/was a client of the electronic communications service provider; and
- (b) a confirmation that, according to the records of the electronic communications service provider, the electronic communications or electronic mail was/were sent or not sent from the electronic communications identity number/s identified in paragraph 4.F to the electronic communications identity number/s furnished in paragraph 4.B.

***6. To be completed where the electronic communications service provider which provides a service to the *complainant/*related person is requested to furnish information to the court in order to identify the electronic communications identity number from which the harassing conduct originated and the electronic communications service provider to which such electronic communications identity number has been assigned**

As indicated in paragraph 4F, above, the electronic communications identity number/s from which the harassing conduct originated, is/are not available, and the electronic communications service provider identified in paragraph 4A is therefore directed to identify and provide the court with —

- (a) the electronic communications identity number/s from which the harassing conduct originated, where available;
- (b)
 - (i) the full names, surname, address and identity number of the person to whom such electronic communications identity number/s has/have been assigned if the person is/was a client of the electronic communications service provider; and
 - (ii) a confirmation that, according to the records of the electronic communications service provider, the electronic communication/s or electronic mail was/were sent or not sent from the electronic communications identity number/s identified by the electronic communications service provider to the electronic communications identity number furnished in paragraph 4.B;
- (c) the name and particulars of the electronic communications service provider/s which can assist the court to identify the electronic communications identity number/s in paragraph 4.F and the person/s to which the electronic communications identity number/s has/have been assigned; or
- (d) any other information that is available to an electronic communications service provider which may be of assistance to the court to identify the respondent or electronic communications service provider which provides a service to the respondent.

7. The information under paragraph 5 or 6 must, in terms of section 4(3)(a) of the Protection from Harassment Act, 2011, be submitted to the court within five ordinary court days from the time that the direction is served on an electronic communications service provider.

8. An electronic communications service provider may, in terms of section 4(3)(b) of the Protection from Harassment Act, 2011, apply to the court for —

- (a) an extension of the five court day period on the ground that the information cannot be provided timeously; or
- (b) cancellation of the direction on the ground that —
 - (i) it does not provide an electronic communications service to either the complainant or related person or respondent; or
 - (ii) the requested information is not available in the records of the electronic communications service provider.

9. In terms of section 18(4)(a)(i) of the Protection from Harassment Act, 2011, it is an offence not to provide the information within five ordinary court days or such extended period allowed by the court following an application in terms of section 4(3)(b) of that Act.

10. In terms of section 4(2) of the Protection from Harassment Act, 2011, I hereby direct that Mr/Ms..... (name and surname), who is a clerk of the court, must serve this direction on the electronic communications service provider in accordance with regulation 29 of the Protection from Harassment Regulations, 2013, to the following facsimile number:
.....

11. The information must be furnished to the court in the form of an affidavit, prescribed by regulation 8(3) of the Protection from Harassment Regulations, 2013, which must be transmitted to the court by means of a facsimile to the following facsimile number: in accordance with regulation 29 of those Regulations, and must be addressed to: (name and surname of clerk of the court). The affidavit must at all times be marked as confidential.

.....
MAGISTRATE

.....
DATE



12. TO BE COMPLETED BY THE CLERK OF THE COURT WHO IS IN TERMS OF PARAGRAPH 10 DIRECTED BY THE COURT TO SERVE DIRECTION ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

I, (name and surname) am the clerk of the court who is directed, in terms of paragraph 10, to serve this direction on the electronic communications service provider.

My contact details are as follows:

Telephone number: Facsimile number:

Cellular phone number:

E-mail address:

Physical address:

Signature: Peral number: Date:

(CONFIDENTIAL)