

Form 18

Affidavit by electronic communications service provider furnishing information to court

[Regulation 16(1)]

SECTION 5B(1)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

(CONFIDENTIAL)	
APPLICATION NO/20....	
DIRECTION NO/20....	
To:	
(name and surname of clerk of the court identified in the direction)	
Facsimile number:	
E-mail address:	
From:	
(name and surname of designated person)	
of	
(name of electronic communications service provider)	
Facsimile number:	
E-mail address:	
Telephone number:	
Physical address:	
(*Delete whichever is not applicable)	

*PART A			
I, (name, surname and identity number) employed as a (designation) at (name of electronic communications service provider) situated at the following address			
.....			
.....			
hereby state as follows:			
*1. With reference to paragraph 5 of the direction, the following information which is available in the records of this electronic communications service provider is hereby provided:			
(a) The electronic communications identity number/s from which the electronic communication/s originated as indicated in paragraph 4.F of the direction, *is/are *was/were assigned to this electronic communications service provider. The particulars of the client to which this /these electronic communications identity number/s *is/are *was/were assigned are as follows:			
(i) Full names and surname:			
.....			
(ii) Address:			
.....			
(iii) Identity number:			
(b) The electronic communications identity number/s, provided in paragraph 4.F of the direction-			
(i) contacted the electronic communications identity number/s set out in paragraph 4.B of the direction as indicated in the table below:			
(aa) Electronic communications identity number from which communication originated as identified in paragraph 4.F of the direction	(bb) Electronic communications identity number contacted as identified in paragraph 4.B of the direction	(cc) Time and date of communication	(dd) Duration of communication

(ii) did not contact the electronic communications identity number/s set out in paragraph 4.B of the direction.

***2. With reference to paragraph 6 of the direction, the following information which is available in the records of this electronic communications service provider is hereby provided:**

*(a) From the information available in the records of this electronic communications service provider, the following electronic communications identity number/s contacted the electronic communications identity number/s set out in paragraph 4.B of the direction on the date/s and time/s identified in paragraphs 4.0 and 4.D of the direction:

(i) Electronic communications identity number from which communication originated	(ii) Electronic communications identity number contacted as identified in paragraph 4.B of direction	(iii) Time and date of communication	(iv) Duration of communication

*(b) The electronic communications identity number/s identified under Item (a)(i), is/are assigned to a client of this electronic communications service provider whose particulars are as follows:

(i) Full names and surname:

.....

(ii) Address:

.....

.....

(iii) Identity number:

*(c) The electronic communications identity number/s from which the communications originated as is identified in paragraph 4.F of the direction is/are not assigned to this electronic communications service provider but is/are assigned to the following electronic communications service provider/s, if known:

.....

*(d) The following information that is available to an electronic communications service provider may be of assistance to the court to identify the electronic communications service provider whose service is used to host or was or is used to disclose any data message relating to this matter:

.....

*(e) The electronic communications service provider-

- (i) *is / is not in a position to remove the electronic communication or a link to the electronic communication; and
- (ii) *is / is not in a position to disable access to an electronic communication or a link to an electronic communication relating to this matter.

*(f) The following information that is available to an electronic communications service provider may be of assistance to the court to facilitate or ensure the removal or the disabling of access to the electronic communication or a link to the electronic communication relating to this matter.

.....

3. I undertake to inform, in terms of section 5B(7) of the Domestic Violence Act, 1998, the respondent, within 48 hours of providing information contained herein, by means of (type of electronic communication), which will be addressed to the following electronic communications identity number, of the following:

- (a) that the information referred to in paragraph/s*1(a)/*1(b)(i)/*1(b)(ii)/*2(a)/*2(b)/*2(c)/*2(d)/*2(e)(i) /*2(e)(ii)/*2(f) was provided to the court;
- (b) of the reference number of the direction; and
- (c) of the name and address of the court.

4. My authorisation to depose to this affidavit is attached.

***PART B**

The following additional information is hereby provided which may be to the assistance of the court to identify the electronic communications identity number/electronic communications service provider/identity/address of the person from which the offensive communication/s originated:

.....

PART C: DECLARATION

Signature of Deponent

I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's presence as indicated below-

(a) Do you know and understand the contents of the above declaration?
 Answer _____

(b) Do you have any objection to taking the prescribed oath?
 Answer _____

(c) Do you consider the prescribed oath to be binding on your conscience?
 Answer _____

I certify that the Deponent has acknowledged that the Deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Sworn to/affirmed at this day of20

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:
Area for which appointed:
Work address:
.....
.....
(CONFIDENTIAL)
(*Delete whichever is not applicable)