

SECTION 51 MANUAL

In terms of the Promotion to Access to Information Act no 2 of 2000



ENERGYON SOUTH AFRICA PROPRIETARY LIMITED

Registered Name
("the company")

2006/039035/07

Registration Number



AP MAREE

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1. THE MANUAL

1.1 OBJECTIVES OF THE ACT

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

1.2. SCOPE OF THE MANUAL

This manual ("Manual") has been prepared by the company and applies to all of the private bodies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by the company in terms of the Act.

Specifically, the Manual provides information on:

- the contact details of the information officer, who will deal with a person's request;
- the main business of the company;
- the subjects and categories of records that are held by the company;
- records that are automatically available, without a person having to request access;
- records that are available in terms of any other legislation; and
- the procedure that needs to be followed to obtain access to a record.

1.3 COMPANY & INFORMATION OFFICER DETAILS

1.3.1 The Company is a private company incorporated in terms of the Company laws of the Republic Of South Africa.

1.3.2 The main business of The Company is: Renewable Energy and Electricity Solutions from Solar and all business related thereto.

1.3.3 The Company has no subsidiaries.

1.3.4 The company employs 3 staff members.

1.3.5 Information Officer:

The Information Officer shall ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

The Information Officer:

ENERGYON SOUTH AFRICA PROPRIETARY LIMITED

Att: Mr. AP Maree

Physical Address: 221 Panorama Drive, Constantia Kloof, Roodepoort, Gauteng, South Africa, 1709

Postal Address: P O Box 6848, Cresta, 2118

Tel: +27 010 596 1234

E-mail: riaan@energyon.co.za

Website: www.energyon.co.za

1.4 DISSEMINATION AND AVAILABILITY OF THE MANUAL

Copies of the manual will be distributed in terms of Section 51(3) and Regulation 187 of 15 February 2002 to:

- 1.4.1** The South African Human Rights Commission
Postal Address: Private Bag 2700, Houghton 2041
Or deliver to: Address: Braampark Forum 3, 33 Hoofd Street, Braamfontein and
Submissions can be made electronically to: paia@sahrc.org.za
- 1.4.2** The company is not registered as a member with a controlling body, but is registered as a member of the SAPVIA.
- 1.4.3** The manual will be available for public inspection during office hours and upon request at the said business address.
- 1.4.4** The manual will be available for public inspection on the website (if available)

2 ENTRY POINT FOR REQUESTS

The CEO of the company has delegated his/her powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his/her behalf. All requests in terms of the Act must be addressed to the Information Officer with details given in clause 1.3 above.

3 WHO MAY REQUEST ACCESS TO INFORMATION

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged.

Requestors can be classified in accordance with the following different categories:

- a personal requestor, that is a person who requests information about him / herself;
- an agent requestor, that is a person requesting information on behalf of someone else;
- a third party requestor, that is a person requesting information about someone else; or
- a public body, requests information in the public interest.

4 GUIDANCE TO REQUESTORS

The Human Rights Commission is required by law to compile a guide ("the Guide") that will include the following:

- a description of the objectives of the Act;
- the relevant information of every private body as applicable;
- the manner and form in which requests must be lodged;
- the remedies available to requestors should a body not comply with the Act;
- the manner in which an appeal can be lodged;
- the fees payable in relation to requests for access; and
- a reference to any regulations passed.

The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

This guide and additional information may be requested from the South African Human Rights Commission at:

South African Human Rights Commission; at PAIA Unit

Private Bag 2700
Houghton, 2041

Human Rights Advice Line: 0860 120 120
Fax: (011) 484 1360
Website: www.sahrc.org.za

5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

5.1 UNLIMITED REQUESTORS

The following information is available without special request. Records that are kept automatically available to the public are records of the Company lodged in terms of government requirements with various statutory bodies, including the Registrar of Companies, and the Registrar of Deeds, all records in the marketing and advertising material published by the company and all records available on the company's website.

5.2 LIMITED REQUESTORS

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act 75 of 1997;
- Business Act of 1991;
- Occupational Health and Safety Act 85 of 1993;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries & Diseases Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Electronic Communications Act of 2005
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Electricity Act of 1987;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- National Energy Act 34 of 2008;
- Protection of Businesses Act of 1978;
- Protection of Personal Information Act of 2013
- Protected Disclosure Act 26 of 2000;
- South African Revenue Services Act of 1997;
- Skills Development Act 97 of 1998;
- Value Added Tax Act 12 of 2011;

6 PROCEDURE

6.1 PRESCRIBED ACCESS FORM

In order for us to facilitate your access to a record, you need to complete the attached prescribed access form. Please take note that the prescribed access form must be completed in full and that failure to do so may result in the process being delayed until such additional information is provided.

6.2 PROOF OF IDENTITY

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

6.3 PRESCRIBED FEES

Please take note that a request will not be processed until the request fee and/or the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are automatically available;
- Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor himself/herself), before the request is considered and is not refundable;
- Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse the company for the costs involved in searching and preparing the record for delivery;
- Deposit: which is payable if the company receives a request for access to information about a person other than the requestor himself/herself and where the preparation of the record will take longer than six hours.

6.3.1 REPRODUCTION FEES

The applicable fees (excluding VAT) for reproduction as referred to above are:

- | | | |
|---|---|--------|
| ■ | for every photocopy of an A4-size page or part thereof | R1.10 |
| ■ | for every printed of an A4-size page or part thereof held on a computer or in electronic form | R0.75 |
| ■ | for a copy in a computer readable form: | |
| | Diskette: | R 7.50 |
| | Compact disc: | R70.00 |
| ■ | a transcription of visual images, for an A4-size page or part thereof | R40.00 |

■	for a copy of visual images	R60.00
■	a transcription of an audio record, for an A4-size page or part thereof	R20.00
■	for a copy of an audio record	R30.00

6.3.2 REQUEST FEE

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than the requestor himself/herself.

6.3.3 ACCESS FEE

The applicable fees (excluding VAT) which will be payable are:

■	for every photocopy of an A4-size page or part thereof	R1.10
■	for every printed page of an A4-size or part thereof held on a computer or in electronic form	R0.75
■	for a copy in a computer readable form:	
	Diskette:	R7.50
	Compact disc:	R70.00
■	a transcription of visual images, for an A4-size page or part thereof	R40.00
■	for a copy of visual images	R60.00
■	a transcription of an audio record, for an A4-size page or part thereof	R20.00
■	for a copy of an audio record	R30.00
■	to search a record that must be disclosed, per hour of part of the hour	R30.00
■	where a copy of the record needs to be posted the actual postal fee is payable	

6.3.4 DEPOSIT

Where the company receives a request for access to information about a person other than the requestor himself / herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

7 GRANTING OR REFUSAL OF REQUESTS

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of the private body; and
- mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act, the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8 APPEAL

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public body's, the only recourse available to a private body will be to approach a court of law.

9 CLASSES OF RECORDS OF THE COMPANY

9.1 SCOPE

The Information contained in this chapter is intended to identify the main classes of records held within the company. Further assistance in identifying records held by the company is obtainable from the Information Officer.

9.2 CATEGORIES AND SUBJECTS OF RECORDS

The following records are kept by the company :

- Financial records:
- Internal correspondence
 - Minutes of director's meetings;
 - Minutes of shareholder meetings;
 - Minutes of management meetings;
 - Correspondence with third parties – 3 years; and
 - Minutes of management meetings;
- Agreements
 - Purchase and sale agreements;
 - Rental and lease agreements; and
 - Service and agency agreements;
- Personnel records
 - Letters of appointment;
 - Personnel information;
 - Leave records;
 - Promotion/increment increase letters;
 - Details of disciplinary hearings/matters; and
- Information technology records and databases
- Financial records stored on server
- Software licence agreements;
- Safety records.

9.3 FURTHER INFORMATION AND ASSISTANCE

Further information regarding the subjects and categories or records listed herein are available from the information officer. Other information as may be prescribed by section 51(1) (f) may be obtained by the Minister of Justice and Constitutional Development.

10 USEFUL REFERENCES

Websites

The Human Rights Commission	http://www.sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf

Prescribed forms for access to a record of the company

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

[Regulation 10]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer: _____

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

_____ Fax number: _____

Telephone number: _____ e-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

*(b) If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*

(b) You will be notified of the amount required to be paid as the request fee.

*(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*

(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

(a) Your indication as to the required form of access depends on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record

2. If record consists of visual images -			
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound -			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Indicate which right to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER / PERSON ON WHO'S BEHALF REQUEST IS MADE