



U MO YA
E N E R G Y
Empowered by Nature

Promotion of Access to Information Act 2 Of 2002 Manual

1 Introduction

This Manual is compiled in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA"), as amended by the Protection of Personal Information Act 4 of 2013 ("POPIA"). PAIA gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa ("the Constitution") and POPIA gives effect to the constitutional right to privacy in terms of section 14 of the Constitution.

In terms of PAIA, organisations are required to compile a Manual as a guide to requesters of information. The Manual also serves to indicate the types of records held by the organisation and the availability of such records to requesters. In addition, the Manual explains how to access, object to, or request correction or deletion of personal information held by an organisation, in terms of sections 23, 24 and 25 of POPIA").

This Manual is intended to foster a culture of transparency and accountability within Umoya Wind Farm by giving effect to the right to information that is required for the exercise and protection of an individual or organisation's rights.

This Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requesters are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to Umoya Wind Farm in terms of these Acts. In accordance with section 19 of PAIA and Regulations 2 and 3 of the POPIA Regulations, Umoya Wind Farm will provide such assistance to requesters as is required in completing the necessary forms.

Umoya Wind Farm makes no representation and gives no undertaking or warranty that the information in this Manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and Umoya Wind Farm will not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any information provided by Umoya Wind Farm or from any error therein.

2 Information Officer and Contact Details of Umoya Wind Farm

- 2.1 The Chief Executive is the designated Information Officer of Umoya Wind Farm. He has delegated his duties in terms of PAIA and POPIA to the Deputy Information Officer. The contact details for the Deputy Information Officer of Umoya Wind Farm are as follows:

NAME	CONTACT DETAILS
Clive Elliott Risk and Compliance Manager	Telephone no. +27 21 670 1456 e-mail: privacy@umoyaenergy.co.za

2.2 The contact details for the Head Office of Umoya Wind Farm are as follows:

Physical Address Head Office	2 nd Floor, Fernwood House, The Oval, 1 Oakdale Road, Newlands, 7700
Postal address Head Office	P.O Box 23101, Claremont, 7735

3 Guide on how to use PAIA

4.1 The South African Human Rights Commission ("**SAHRC**") has compiled a guide in each official language, with such information as may reasonably be required by a person wishing to exercise any right in terms of PAIA and POPIA. The Information Regulator is responsible for updating and making the guide available to the public. This guide is available on the SAHRC website:

<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

4.2 Any information or queries related to the guide, or to PAIA or POPIA should be directed to:

Information Regulator

33 Hoofd Street

Forum III, 3rd Floor Braampark

P O Box 31533

Braamfontein

JOHANNESBURG

2017

Telephone number: (010) 023 5207

Fax number:

Website: www.justice.gov.za/inforeg

E-mail : inforeg@justice.gov.za

4 Notice In Terms Of Section 52(2) Of PAIA

- 4.1 Umoya Wind Farm may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of PAIA. The Minister must publish any description so submitted by way of a notice in the Government Gazette.

Umoya Wind Farm has not submitted any such description to the Minister for publication in the Government Gazette. However certain records are freely available on the UMOYA WIND FARM website and Umoya Wind Farm SharePoint Site:

5 Records Available in Accordance with any other Legislation (Section 51(1)(D))

All records kept and available in terms of legislation applicable to Umoya Wind Farm are available in accordance with the applicable legislation. Legislation includes but is not limited to the following:

- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Constitution of the Republic of South Africa, 1996
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Criminal Procedure Act 51 of 1977
- Financial Intelligence Centre Act 38 of 2001
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000
- Protection from Harassment Act 17 of 2011
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Unemployment Insurance Contributions Act 4 of 2002
- Prevention and Combating of Corrupt Activities Act 12 of 2004.

6 Umoya Wind Farm Records

The following table contains a description of the categories of records held by Umoya Wind Farm:

SUBJECT	DESCRIPTION	
Financial Matters	Cashbooks and reconciliations to bank General Ledgers Trial Balances Annual financial statements Audit files with working papers Tax, VAT and PAYE records Deposit slips Asset register Supplier records	
Operational Matters	Minute books including resolutions Agendas for meetings	
Human Resources	Employee records Personal records provided by employees Records provided by a third party relating to employees Employment contracts Recruitment records Policies and Procedures Health and safety records Skills development and training records and material Employment Equity Plan Correspondence relating to employees	
Information Technology	Policies and procedures Disaster Recovery Plan IT Governance records Licensing records Electronic access records Databases Automated audit trails	
Legal and Company Secretariat	Contracts Company Secretarial records	
Risk and Compliance	Policies and procedures Risk assessments Compliance records	
Facilities	Physical and electronic access and surveillance records	
Records held by officials of UMOYA WIND FARM	Internal correspondence and emails General administration Travel records	

7 Processing of Personal Information

Umoya Wind Farm processes personal information of both natural and juristic persons in terms of POPIA. Umoya Wind Farm will comply with the provisions POPIA when processing personal information.

7.1 The Purpose of Processing Personal Information by Umoya Wind Farm

Umoya Wind Farm processes personal information for several purposes, including the following:

- for financial, administration and taxation purposes;
- for legal, contractual and company secretarial purposes;
- for recruitment and employment purposes;
- to detect and prevent fraud and money laundering;
- for health and safety purposes;
- to monitor access, maintain and secure our premises, offices and facilities; and
- to transact with suppliers and third parties.
- providing personalised communication;
- audit and record keeping purposes;
- compiling statistics and research reports, surveys and communication in order to improve the Umoya Wind Farm offering;
- for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject.

7.2 Categories of Data Subjects and Personal Information Processed by Umoya Wind Farm

Categories of data subjects and personal information processed by the EPPF includes the following:

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION PROCESSED
Directors	Personal information Correspondence and e-mails
Suppliers/Service Providers	Personal information Contracts Banking details VAT information Vetting and monitoring records Tenders and proposals Personal information of supplier representatives
Employees	Personal information Medical information Disability information

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION PROCESSED
	Biometric information Pension and Provident Fund Information Banking details Tax and financial information Contract information Beneficiary information Vehicle registration Performance records Payroll records Health and safety records Training records Employment history Correspondence and e-mails Physical and electronic access records Surveillance records
Adult Members Employees	Family of Personal information Medical information and disability information (where applicable) Personal information acquired for processing travel documents
Children Employees	of Personal information Medical information and disability information (where applicable) Information acquired for processing travel documents
Job Applicants	Curriculum vitae and application forms Results of psychometric assessments Interview notes Results of criminal checks Results of background checks
Visitors to the Premises	Physical access records Surveillance records Electronic access records (including scanned fingerprint and car license disc)

7.3 Recipients or Categories of Recipients with whom Personal Information is Shared

7.3.1 Umoya Wind Farm may share personal information with third parties for the purposes outlined in Section 8.1. Recipients of the personal information of Umoya Wind Farm data subjects include the following:

- HR Data Verifications
- Prospective employers of former employees
- other service providers ("**Operators**") that process personal information on behalf of Umoya Wind Farm.

7.3.2 Umoya Wind Farm may share personal information with third parties if one or more of the following applies:

- sharing of personal information is required in terms of law or a contract with the data subject;
- for the purposes of existing or future legal proceedings;
- when required to provide services and benefits; and manage personal information processed on behalf of data subjects;
- when consent to share personal information is obtained from the data subject, or a competent person where the data subject is a child;
- the recipient processes personal information on behalf of Umoya Wind Farm;
- where the law requires disclosure of personal information to government authorities; or
- to assist in the detection of fraud and money-laundering.

7.3.3 Umoya Wind Farm will implement reasonable technical and organisational security measures, and monitoring processes, to protect personal information processed by Umoya Wind Farm and its Operators.

7.3.4 Umoya Wind Farm will not share personal information with third parties overseas unless one or more of the following applies:

- the data subject has provided his or her consent. Children's information will not be transferred trans-border without the written consent of the parent or guardian;
- the third party is located in a foreign country with adequate data protection legislation; or
- the transfer is necessary for the performance of a contract.

Umoya Wind Farm will take steps to ensure that Operators that process personal information in jurisdictions outside South Africa, apply adequate security safeguards as per clause 8.3.3 above.

8 Procedure for Requests

- 8.1 In terms of PAIA, the following persons may request access to records held by Umoya Wind Farm:
- 8.1.1 a person requesting information about him/herself;
 - 8.1.2 an agent requesting information on behalf of someone else;
 - 8.1.3 a third party requesting information about someone else; or
 - 8.1.4 a public body requesting information for the exercise or protection of its rights or in the public interest.
- 8.2 For requests to access information or personal information, the request must be made in writing on the prescribed **Form C** which is attached to this Manual as Annexure **A**.
- 8.3 For POPIA-related requests objecting to the processing of personal information, correction or deletion of personal information, the request must be made in writing on the applicable prescribed **Form 1** (objection) or **Form 2** (correction or deletion), which are attached to this Manual as Annexure **B**.
- 8.4 The request form must be addressed to the Information Officer using the contact details set out in paragraph 3.1 above.
- 8.5 The request must contain the name and contact details of the requester and it must provide sufficient details to enable Umoya Wind Farm to identify the record requested. The requester should also indicate the form in which access to the record should be granted.
- 8.6 Where the request is made on behalf of another person, the requester must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requester is making the request to the satisfaction of Umoya Wind Farm Deputy Information Officer. In the case of personal information, Umoya Wind Farm may take additional steps to confirm the identity of the affected data subject.

9 Payment of Fees

- 9.1 A request fee is payable for a request for access to information or records held by Umoya Wind Farm (unless exempted) and proof of such payment must be sent to the Information Officer together with the request. Once Umoya Wind Farm has decided to grant the

requested access to information, access fees may be imposed by Umoya Wind Farm to the requester.

- 9.2 The schedule of all fees payable for PAIA requests and related access to requested information is attached to this manual as Annexure C.
- 9.3 Bank deposit is the only accepted payment method for PAIA requests using the following EPPF banking details:

BANK	RMB Corporate Bank a Division of First Rand Bank Limited
ACCOUNT NUMBER	623 589 86613
BRANCH NAME	RMB Corporate Banking
BRANCH CODE	204109
REFERENCE	PAIA REQUEST: _____ [INSERT NAME OF REQUESTER]

- 9.4 A request is only received once a completed form and the prescribed request fee have been received by the Information Officer.
- 9.5 A requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee.
- 9.6 Upon receipt of the request for access to information or records, Umoya Wind Farm shall endeavour to consider and provide a response to each request within the prescribed thirty (30) days. When necessary, Umoya Wind Farm may request a further thirty (30) day time extension from the requester in order to finalise the request.
- 9.7 UMOYA WIND FARM may refuse access where requests are clearly frivolous and/or vexatious.

10 Decision of Umoya Wind Farm

- 10.1 As prescribed in section 56 of PAIA, Umoya Wind Farm shall decide, within 30 days, which can be extended by a further 30 days provided certain requirements are met, whether to grant the requested access to information and inform the requester accordingly.
- 10.2 Should a requester not receive a decision within 30 days or the further extended 30 days, then the Umoya Wind Farm is deemed to have refused the request.

10.3 Requests may be refused based on the following grounds, as set out in PAIA:

- 10.3.1 mandatory protection of the privacy of a third party who is a natural;
- 10.3.2 mandatory protection of the commercial information of a third party;
- 10.3.3 mandatory protection of certain confidential information of a third party;
- 10.3.4 mandatory protection of safety of individuals, and protection of property;
- 10.3.5 mandatory protection of records privileged from production in legal proceedings;
- 10.3.6 mandatory protection of research information of a third party and protection of research information of private body; or
- 10.3.7 protection of the commercial information of Umoya Wind Farm;

10.4 The requester shall be notified of Umoya Wind Farm's decision, in the most reasonable manner possible.

10.5 If the request for access to information is refused, the requester shall be provided with written reasons for such refusal.

11 Right to Challenge Decision

11.1 In circumstances where a request for access to information or personal information is refused by the Deputy Information Officer of Umoya Wind Farm, the requester may lodge an application with the High Court or another court having jurisdiction, within 180 days of the refusal, for appropriate relief in terms of section 82 of PAIA.

11.2 A requester may also seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Deputy Information Officer:

11.2.1 the amount of fees required to be paid;

11.2.2 the extension of the period within which the request for access to information will be dealt with; or

11.2.3 the form in which access to information is granted.

12 Availability of The Manual

- 12.1 This Manual is available in electronic and hard copies in English.
- 12.2 Hard copies are available at Umoya Wind Farm reception areas and a copy is available to a requester upon the payment of a reasonable amount.
- 12.3 An electronic version of the Manual is available on the Umoya Wind Farm website Umoya Wind Farm Sharepoint Site:

13 Updating of Manual

This Manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

**ANNEXURE A
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

Postal Address:

XXXXXXXX

Physical Address:

XXXXXXX

Telephone no.: _____

Fax no.: _____

e-mail: _____

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

.....
.....

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax 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:

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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.***

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

.....
.....
.....
.....
.....
.....

b. Reference number, if available:

.....

c. 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 for exemption.

Reason for exemption from payment of fees:

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.....

.....

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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
<i>Mark the appropriate box with an X.</i>	
NOTES:	
(a) Compliance with your request for access in the specified form may depend 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:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*	transcription of the images*	

3. If record consists of recorded words or information which can be reproduced in sound:

	listen to the soundtrack (audio cassette)		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? Postage is payable.	YES	NO
---	-----	----

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.***

a. Indicate which right is to be exercised or protected:

.....

b. 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 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 WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Unique identifier/ Identity number:	
Residential, postal or business address:	
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party <i>(if the responsible party is a natural person):</i>	

** Delete whichever is not applicable*

Signed at this day of20.....

.....
Signature of Data subject

ANNEXURE C

PRESCRIBED FEES

1. PAIA sets out two (2) types of fees, namely, a request fee and an access fee, that are required to be paid prior to Umoya Wind Farm processing the request for access to a record.
2. A personal requester, that is a requester who requests access to a record containing personal information about him/herself, is not required to pay the request fee. Any other requester will be required to pay the request fee.
3. The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester. Payment of the access fee is exempted in respect of requesters that earn less than R27 172.00 per annum.
4. A request fee of R50.00 (excluding VAT) is payable up front where a requester submits a request for access to information other than for personal information relating to the requester himself/ herself.
5. Where a copy of the record needs to be posted the actual postal fee is payable.
6. Where Umoya Wind Farm receives a request for access to information regarding a person other than the requester him/herself and the Deputy 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 will be payable.
7. The applicable fees (excluding VAT) which will be payable are:

ITEM	RAND
Photocopy of A4-size page or part thereof	R 1.10
Printed copy of A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
Copy in computer-readable form on stiffy disc	R 7.50
Copy in computer-readable form on compact disc	R 70.00
Transcription of visual images, for an A4-size page or part thereof	R 40.00

ITEM	RAND
Copy of visual images	R 60.00
Transcription of an audio record, for A4-size page or part thereof	R 20.00
Copy of an audio record	R 30.00
Search for and preparation of the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R 30.00