



Promotion of Access to information Act (PAIA)

SECTION 51 MANUAL

Prepared in terms of the Promotion of Access to Information Act no 2 of 2000 (the Act).

Nesa Power Proprietary Limited
Reg #: 2021/502061/07
(Hereinafter referred to as the Company)

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1. Introduction

The Promotion of Access to Information Act, 2000 (the Act) is a freedom of information law in South Africa. It gives the constitutional right of access to any information held by the State and any information held by private bodies that is required for the exercise and protection of any rights. Specifically, section 51 (1) of the Act provides that the head of a private body must compile a Manual that must contain information regarding the subjects and categories of records held by such private bodies.

This Manual has been compiled in accordance with said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance. Accordingly, this Manual provides a reference to the records held by the Company and the process that needs to be adopted to access such records.

2. Purpose of manual

This PAIA Manual is useful for the public to:

- check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- have a sufficient understanding of how to make a request for access to a record of the body; by providing a description of the subjects on which the body holds records, and the categories of records held on each subject;
- know the description of the records of the body which are available in accordance with any other legislation;
- access all the relevant contact details of the Information Officer and Deputy who will assist the public with the records they intend to access;
- know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied; know if the body has planned to transfer or process personal information outside the Republic of

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South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

- know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Description of company

The Company engineers, builds, owns and operates embedded and distributed renewable energy generation facilities throughout Southern Africa.

The Company is an incorporated private company Nesa Power (Pty) Ltd (Reg # 2021/502061/07) which has a wholly owned subsidiary, Nesa Engineering (Pty) Ltd (Reg #: 2015 /244218/ 07). In addition, the company has affiliate companies within the group namely Nesa Investment Holdings (Pty) Ltd, Nesa Capital (Pty) Ltd and Nesa RE Fund GP (Pty) Ltd and their respective subsidiaries.

The management of the Company is undertaken by the Managing Director, Mike Bleyenheuff.

4. Information required (Section 51 (1) (a) of Act)

Name of Company: Nesa Power (Pty) Ltd
Managing Director: Mike Bleyenheuff
Street Address: Suite 802 Illovo Central, 70 Melville Rd, Illovo, 2196, Gauteng
Postal Address: As above
Phone number: 011 326 3903
Electronic Mail: mike@nesapower.com or info@nesapower.com

5. The Act and Section 10 guide (Section 51 (1) (b))

The Act grants a requester access to records of a private and public body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariffs are dealt with in accordance with paragraphs 6 & 7 of "the Act."

The Information Regulator has, in terms of section 10 (1) of the Act, as amended, made available a Guide on how to use PAIA. It is intended for use by anyone who wishes to exercise any right contemplated in PAIA and POPIA. Requesters are referred to the guide in terms of Section 10 of the Act.

The Guide is available in English

The Guide contains descriptions of:

- the objects of PAIA and POPIA;
- the postal and street address, phone number and electronic mail address of the company;

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- the contact details of the Information Officer designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- the manner and form of a request for access to a record of a public body contemplated in section 11; and
- access to a record of a private body contemplated in section 50;
- the assistance available from the Information Regulator in terms of PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - an internal appeal;
 - a complaint to the Information Regulator; and
 - an application to a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Information Regulator or a decision of the head of a private body;
- the provisions of Sections 14 and 51 requiring a public body and private body,
- respectively, to compile a Manual, and how to obtain access to a Manual;
- the provisions of Sections 15 and 52 providing for the voluntary disclosure of
- categories of records by a public body and private body, respectively;
- the notices issued in terms of Sections 22 and 54 regarding fees to be paid in
- relation to requests for access; and
- the regulations made in terms of Section 92.

The Guide can be obtained: from the website of the Information Regulator <https://inforegulator.org.za/>

6. Applicable legislation (Section 51 (1) (c))

No	Ref	Act
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 130 of 1993	Compensation for Occupational Injuries Act
3	No 98 of 1978	Copyright Act
4	No 68 of 2008	Consumer Protection Act
5	No 39 of 2001	Financial Intelligence Act
6	No 25 of 2002	Electronic Communications and Transactions Act
7	No 55 of 1998	Employment Equity Act
8	No 85 of 1993	Occupational Health & safety Act
9	No 37 of 2002	Financial Advisory and Intermediary Services Act
10	No 95 of 1967	Income Tax Act
11	No 89 of 1991	Value Added Tax Act
12	No 4 of 2013	Protection of Personal Information Act
13	No 2 of 2000	Promotion of Access of Information Act
14	No 70 of 2002	Regulation of Interception of Communications and provisions of Communication Related Information Act
15	No 97 of 1998	Skills Development Act
16	No 9 of 1999	Skills Development Levies act
17	No 34 of 1997	South African Revenue Services Act

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18	No 84 of 1996	South African Company's Act
19	No 63 of 2001	Unemployment insurance Act

7. Schedule of records (Section 51 (1) (d))

All documents are available on request:

Subjects on which the company hold record	Categories of records
Strategic Documents, plans and proposals	Mission and Values
	Strategic plans
	Annual reports
Operations	Contracts records of projects
	Client records
	Service provider agreements
ISO9001 Records	Quality Manual
	Key Process documents KP1-7
Financial and tax records	Accounting records
	Annual financial statements
	Audit reports
	Capital expenditure reports
	Management reports
	Procurement records
	Purchasing records
	Tax records and returns
	Asset register
	Budgets
	Insurance Information
	Bank Statements
	Invoices
Human Resources	Workplace policies and procedures
	Employment contracts
	Employee information
	Leave records
	UIF returns
	Performance appraisals/reviews
	Training records
	Employment Equity records
	Disciplinary records
Health & Safety Records	Health & Safety policies

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	Evacuation plan
	Risk plan
	Disaster Recovery plan
	Workman's Compensation returns and claims
Information Technology	Licenses
	Manuals
Marketing records	Marketing information

8. Processing personal information

Description of the subjects on which the Company holds records, and the categories of records held on each subject by the Company.

Data Subjects	Types of Personal Information
Clients	- Identifying information - such as name, date of birth, identification number/Passport number - Contact information - such as phone number or email address - Address information - such as physical or postal address - Financial information - such as bank account details and financial information. - Organisation data - Project plan and records
Employees	- Identifying information - such as name, date of birth, identification number/passport number - Contact information - such as phone number or email address - Address information - such as physical or postal address - Demographic information - such as race, gender or marital status, age, nationality, etc - Educational information - such as educational qualifications and skills - Financial information - such as bank account details - Confidential correspondence with the employee - Disciplinary records - Tax numbers - Employment information - including previous and current employers criminal history - such as previous convictions
Service providers	- Identifying information - such as registration number - Contact information - such as address, email address and phone numbers - Financial information - such as bank details, VAT numbers - Contract data - Organisation data

9. Transborder flow of information

At present there is no flow of transborder personal information.

10. Form of request (Section 51(e))

The requester must complete the prescribed Form C (available on the website <https://infoeregulator.org.za>) to make the request for access to a record and submit this form together with a request fee, to the Managing Director of the Company named in Section 2.

The form must provide sufficient particulars to enable the Head of the Company to identify the records requested and the requester. The requester should also indicate which form of access is required and specify a postal address or email address of the requester in the Republic.

The requester must identify the right that is sought to be exercised or protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.

If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the business.

The prescribed fee must be attached.

The Company will respond to requests within 30 days of receiving the request by indicating whether the request has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requester access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- the record is required for the exercise or protection of any right, and
- the requester complies with the procedural requirements set out in the Act relating to a request, and
- access to the record is not refused in terms of any ground for refusal as contemplated in the Act.

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11. Prescribed fees (Section 51(f))

The applicable fees are prescribed in terms of the Regulation (Government Gazette 7024) promulgated under "the Act". The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at <https://inforegulator.org.za>

The following applies to requests other than personal requests:

- a requestor is required to pay the prescribed fees before a request will be processed;
- if the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- a requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit; and
- records may be withheld until the fees have been paid.

12. Denial of access

Access to any record may be refused under certain limited circumstances. These include:

- the protection of personal information concerning a natural person from unreasonable disclosure;
- the protection of commercial information held concerning any third party;
- the protection of commercial, financial, scientific, or technical information that may harm the commercial or financial interests of any third party;
- disclosures that would result in a breach of a duty of confidence owed to a third party;
- disclosures that would jeopardise the safety or life of an individual;
- disclosures that would prejudice or impair the security of property;
- disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- disclosures that would prejudice or impair the protection of the safety of the public;
- disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- disclosures of details of any computer programs and designs;
- disclosure that will put the company at disadvantage in contractual or other negotiations or prejudice it is commercial competition;
- disclosures of any record containing trade secrets. Financial, commercial, scientific, or technical information that would harm the commercial or financial interests of the Company; and
- disclosures of any record containing information about research and development being carried out or about to be carried out by the company.

If access to a record or any relevant information is denied, the company's response will include adequate reasons for the refusal and notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

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13. Internal appeal and court procedures

A requester has the right to lodge an internal appeal within 60 days after notice is given of the decision of the Information Officer or the Deputy Information Officer, as the case may be, to refuse a request for access. The internal appeal must be lodged by delivering or sending Form B to the Information Officer as per the contact details provided.

In the event that the internal appeal procedure has been exhausted and the requester or third party remains dissatisfied with the outcome, a court may be approached for appropriate relief, within 180 days of being informed of the outcome of the internal appeal.

14. Contact details of company

Managing Director:	Mike Bleyenheuft
Tel:	011 326 3903
Email:	mike@nesapower.com
Information Officer:	Kerry Colley
Tel:	011 326 3903
Email:	kerry@nesapower.com
General Email:	info@nesapower.com

15. Manual availability

The Manual is also available at the premises of the Company at Suite 802 Illovo Central, 70 Melville Rd, Illovo, 2196, Gauteng.

A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

16. Updating manual

The Company will, if necessary, update the Manual annually.

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