

ENERGY COUNCIL
OF SOUTH AFRICA



PAIA MANUAL

**Prepared in terms of Section 51 of the
Promotion of Access to Information Act
Act 2 of 2000 (as amended)**

**DATE OF COMPILATION: 28/11/2022
DATE OF REVISION: 28/11/2022**

TABLE OF CONTENTS

1. LIST OF ACRONYMS AND ABBREVIATION	3
2. PURPOSE OF PAIA MANUAL	4
3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ENERGY COUNCIL OF SOUTH AFRICA	4
4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	5
5. CATEGORIES OF RECORDS OF THE ENERGY COUNCIL OF SOUTH AFRICA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCE.....	8
6. DESCRIPTION OF RECORDS OF THE ENERGY COUNCIL OF SOUTH AFRICA WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION	9
7. DESCRIPTION OF SUBJECTS ON WHICH THE ENERGY COUNCIL HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT.....	9
8. PROCESSING OF PERSONAL INFORMATION	11
9. AVAILABILITY OF THE MANUAL	13
10. UPDATING OF THE MANUAL	14

1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 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;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 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;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 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. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ENERGY COUNCIL OF SOUTH AFRICA

3.1. Information Officer

Name: Mr. James Mackay
Tel: +27 83 447-9734
Email: james.mackay@energycouncil.org.za

3.2. Deputy Information Officer

Name: Mr. James Mackay
Tel: +27 83 447-9734
Email: james.mackay@energycouncil.org.za

3.3 Access to information general contacts

Email: info@energycouncil.org.za

3.4 National Office

Postal Address: The Energy Council of South Africa
50 Katherine Street
Sandton
South Africa
2196

Physical Address: The Energy Council of South Africa
50 Katherine Street
Sandton
South Africa
2196

Telephone: +27 83 447-9734

Email: info@energycouncil.org.za

Website: www.energycouncil.org.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of:

4.3.1. the objects of PAIA and POPIA;

- 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for:
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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:
 - 4.3.6.1. an internal appeal;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained:

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator <https://www.justice.gov.za/inforeg>.

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours:

4.6.1 English and Afrikaans

5. CATEGORIES OF RECORDS OF THE ENERGY COUNCIL OF SOUTH AFRICA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Incorporation documents	Electronic		X
Annual reports	Electronic		X
Audited financial statements	Electronic		X
Public statements and communications	Electronic	X	X
General information pertaining to the Company and information regarding the services rendered	Electronic	X	X
Membership guide	Electronic	X	X
Details of founding members	Electronic	X	X
Details of all members	Electronic	X	X

6. DESCRIPTION OF THE RECORDS OF THE ENERGY COUNCIL OF SOUTH AFRICA WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Company registration records	CIPC and Companies Act
Records of company directors	CIPC and Companies Act
Memorandum of incorporation	CIPC and Companies Act
Details of auditors	Companies Act
External auditor reports	Companies Act
BBBEE certificate or affidavit	As required by legislation
PAIA manual	PAIA
POPIA compliance	POPIA
Information pertaining to customers and/or suppliers	Financial Intelligence Centre Act
Statutory employee records	As required by legislation
Regulatory permissions, licences and/or exceptions	As required by legislation
Bank account details	As required by legislation

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE ENERGY COUNCIL OF SOUTH AFRICA

Subjects on which the body holds records	Categories of records
Company records	CIPC documents; company registration documents; memorandum of incorporation; BBBEE certificate / affidavit; company tax, VAT, PAYE, UIF and Workman's Compensation Fund registration documents; etc.
Director records	FICA records (names, ID documents, proof of addresses of directors), etc.

Subjects on which the body holds records	Categories of records
Financial records	Accounting records; financial statements; tax, PAYE, UIF, VAT and Workman's Compensation Fund payment records; debtor and creditor records; records of invoices, credit notes, payments; etc.
Banking records	Proof of bank account(s); bank statements; records of all payments, receipts and deposits; etc.
Human resource records	HR policies and procedures; advertised posts; employee HR records; employee remuneration and deduction records and payslips; etc.
Member companies	Member company names and contact details; membership status; membership fee invoice and payment records; etc.
Member company people	Names, contact details and status of member company people active in the work of the Energy Council of South Africa.
Subscriber records	Names, contact details and status of subscribers that have registered or requested to receive Energy Council of South Africa email newsletters, announcements and other Energy Council information.
Event attendee records	Names, contact details and status of attendees at various Energy Council events, and details of the events attended.
Customer records	Company and contact details of customers of goods and services from the Energy Council of South Africa, including all customer take-on details, names and contact details of relevant customer contact persons, records of transactions, etc.
Supplier / contractor records	Company and contact details of suppliers of goods and services to the Energy Council of South Africa, including all supplier take-on details, names and contact details of relevant supplier contact persons, records of transactions, etc.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

The purpose and reasons for holding and processing of personal information by the Energy Council of South Africa is to be able to deliver on the stated mission and purpose of the Council as a voluntary industry association serving its members, the energy sector of South Africa, and the public.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Board members / directors	Contact details, address details and ID numbers Statutory information
Founding members	Company names Company contact details
All members	Company names Company contact details Membership invoice and payment details
Employees	Name, address, contact details and ID numbers Salaries, PAYE, UIF and CF details Other human resources information
Customers	Company name / affiliation Contact names and contact details Other take-on information Services, invoice and payment details
Suppliers / contractors	Company name / affiliation Contact names and contact details Other take-on information Services provided and fees charged Services, invoice and payment details
Subscribers	Contact name, company / affiliation, email address, cell phone number

Categories of Data Subjects	Personal Information that may be processed
Event attendees	Contact name, company / affiliation, email address, cell phone number, event attended

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Company and individual names, identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Employee information for PAYE	South African Revenue Service (SARS)
Employee information for UIF	Unemployment Insurance Fund and SARC
Employee information for WCF	Workman Compensation Fund

8.4 Planned transborder flows of personal information

The Energy Council of South Africa has no planned transborder flows of personal information, and personal information will be stored in the Republic of South Africa.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Data security safeguards for information held by the Energy Council of South Africa include:

- 8.5.1 All reasonable data security and protection of the Energy Council of South Africa website, including hacking, viruses, trojans, malware, ransomware and other threats, in line with modern commercial website hosting practice for commercial websites, including automated backup and restore facilities.
- 8.5.2 All reasonable security and protection against threats arising from inbound and/or outbound Energy Council of South Africa email traffic and attachments, including viruses, trojans, ransomware, malware and viruses, in line with modern email protection practice.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on the Energy Council of South Africa; www.energycouncil.org.za

9.1.2 head office of the Energy Council of South Africa for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 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.

10. UPDATING OF THE MANUAL

The head of the Energy Council of South Africa will on a regular basis update this manual.

Issued by

Mr. James Mackay
Chief Executive Officer
Information Officer