

**SECTION 51 MANUAL IN TERMS OF THE PROMOTION OF
ACCESS TO INFORMATION ACT NO 2 OF 2000**

OF

**JEFFREYS BAY WIND FARM (RF) (PTY) LTD
REGISTRATION NUMBER 2009/007843/07
("Jeffreys Bay")**

Compiled and Submitted on 12 May 2015



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1. INTERPRETATION

In this Manual, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

- 1.1 the Act – the Promotion of Access to Information Act No 2 of 2000, as amended;
- 1.2 the Designated Information Officer – the person specified in 3 below or any person as may be appointed by Jeffreys Bay as the designated information officer from time to time;
- 1.3 the Manual – this manual as contained in this document;
- 1.4 SAHRC – the South African Human Rights Commission;
- 1.5 the Website – www.Jeffreysbaywindfarm.co.za.



2. INTRODUCTION

- 2.1 Jeffreys Bay is an Independent Power Producer in the electricity generation sector. Jeffreys Bay generate electricity in the form of wind and the power is subsequently sold to Eskom in terms of the Power Purchase Agreement.
- 2.2 This Manual is published in terms of Section 51 of the Act.
- 2.3 The aim of the Manual is to assist potential requestors as to the procedure to be followed when requesting access to information/documents held by Jeffreys Bay.
- 2.4 Any requestor is advised to contact the Designated Information Officer should he/she require any assistance in respect of the utilisation of this Manual and/or the requesting of information/documents from Jeffreys Bay.
- 2.5 Reference to any information in the Manual in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.
- 2.6 The Manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.

3. CONTACT DETAILS OF JEFFREYS BAY

- 3.1 Name of Private Body: Jeffreys Bay Wind Farm (RF) (PTY) LTD
- 3.2 Designated Information Officer: Willie Van Niekerk
- 3.3 Email address of Information Officer: willie.vanniekerk@globeleq.co.za
- 3.4 Postal Address: Private Bag X1005
Claremont
7735
- 3.5 Physical Address: 21 Dreyer Street
Claremont
7708



3.6 Phone Number: 021 180 4500

3.7 Fax Number: 021 673 6740

4. GUIDE IN TERMS OF SECTION 10 OF THE ACT (SECTION 51(1)(B) OF THE ACT)

4.1 The Act grants a requester access to records of a private 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.

4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rate provided. The forms and tariff are dealt with in paragraph 6 and 7 of the Act.

4.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

4.2 Contact details of the SAHRC are as follows –

PAIA Unit

Private Bag 2700, Houghton, 2041

Telephone: 011 877 3600

Fax: 011 403 0684/25

Website: www.sahrc.org.za

Email: paia@sahrc.org.za

5. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (SECTION 51(1)(C) OF THE ACT) – VOLUNTARY DISCLOSURE

At this stage, Jeffreys Bay has not published a notice in terms of Section 52(2) of the Act detailing the records that are automatically available without a person having to request access in terms of the Act. Public information available on Jeffreys Bay's website which includes media releases is freely available to all.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D) OF THE ACT)

6.1 To the extent applicable, Jeffreys Bay keeps such information and documents as may be required in accordance with, inter alia, the following legislation



- 6.1.1 Basic Conditions of Employment No. 75 of 1997;
- 6.1.2 Companies Act No 71 of 2008;
- 6.1.3 Employment Equity Act No 55 of 1998;
- 6.1.4 Income Tax Act No 58 of 1962;
- 6.1.5 Labour Relations Act No 66 of 1995;
- 6.1.6 Skills Development Levies Act No 9 of 1999;
- 6.1.7 Skills Development Act No 97 of 1998;
- 6.1.8 Unemployment Insurance Contributions Act No 4 of 2002;
- 6.1.9 Unemployment Insurance Act No 63 of 2001;
- 6.1.10 Value Added Tax Act No 89 of 1991;
- 6.1.11 Electricity Regulation Act No 4 of 2006;
- 6.1.12 NERSA Power Generation Licence;
- 6.1.13 National Environment Management Act No 15 of 2009.

7. HOW TO REQUEST ACCESS TO RECORDS HELD BY JEFFREYS BAY

- 7.1 Requests for access to records held by Jeffreys Bay must be made on the request form that is available on the SAHRC website or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under “regulations”).
- 7.2 Requests for access to records must be made to the Designated Information Officer at the address, fax number or electronic mail address provided for in 3 above.
- 7.3 The requester must provide sufficient detail on the request form to enable the Designated Information Officer to identify the record and the requester.
- 7.4 The requester should also indicate which form of access is required and indicate if he/she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 7.5 The requester must identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 7.6 If in addition to a written reply, if the requester wishes to be informed of the decision on the request in any other manner, the requester must state that manner and the necessary particulars to be informed of.

7.7 If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Designated Information Officer.

8. RECORDS HELD BY JEFFREYS BAY (SECTION 51(1)(E) OF THE ACT)

8.1 In order to facilitate a request in terms of the Act, the information/documents listed below are held by Jeffreys Bay.

8.2 It is recorded that any and all information/documents requested pertaining to the information/documents listed below shall only be made available to a requestor subject to the provisions of the Act.

8.3 None of the information/documents listed below are automatically available without a person having to request access in terms of and subject to the provisions of the Act. In particular, some of the information/documents held by Jeffreys Bay are those of third parties, such as customers and employees and cannot be released without the consent of the third party concerned.

8.4 Information/documents held by Jeffreys Bay

8.4.1 Jeffreys Bay Records

8.4.1.1 Information relating to the incorporation of Jeffreys Bay and Jeffreys Bay's statutory records.

8.4.1.2 Details of directors of Jeffreys Bay.

8.4.2 Information Technology

Records relating to computer software used by Jeffreys Bay including software, support and maintenance agreements and policies thereof.

8.4.3 Correspondence

8.4.3.1 General and internal;

8.4.3.2 Between Jeffreys Bay and suppliers;

8.4.3.3 Between Jeffreys Bay and its management services;

8.4.3.4 Between Jeffreys Bay and its lenders/shareholders.

8.4.4 Financial Records and Tax Records

8.4.4.1 Tax Returns;

8.4.4.2 VAT documentation;

8.4.4.3 Accounting Records;

8.4.4.4 Banking Records;



- 8.4.4.5 Invoices;
- 8.4.4.6 Records of payments made to SARS.
- 8.4.5 Employee Records
 - 8.4.5.1 Personal records provided to Jeffreys Bay by the employees;
 - 8.4.5.2 Contracts of employment;
 - 8.4.5.3 Employment Equity Report;
 - 8.4.5.4 Skills Development Report;
 - 8.4.5.5 Jeffreys Bay Employee reports, records and correspondence.
- 8.4.6 Insurance policies;
- 8.4.7 Rules and regulations relating to Jeffreys Bay Internal policies;
- 8.4.8 Commercial Contracts;
- 8.4.9 Jeffreys Bay and its Management's records relating to:
 - 8.4.9.1 Agreements;
 - 8.4.9.2 Correspondence;
 - 8.4.9.3 Documentation and information received from and/or held on behalf of Jeffreys Bay;
 - 8.4.9.4 Opinions/Advice received on behalf of Jeffreys Bay.
- 8.4.10 Jeffreys Bay may possess records pertaining to other parties, including without limitation, contractors, suppliers, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Jeffreys Bay.

9. OTHER INFORMATION (SECTION 51(1)(F) OF THE ACT)

9.1 PRESCRIBED FEES

- 9.1.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 9.1.2 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);
- 9.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 9.1.4 Records may be withheld until the fees have been paid.
- 9.1.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.



10. AVAILABILITY OF THIS MANUAL (SECTION 51(3) OF THE ACT)

- 10.1 This Manual is available for inspection, on prior arrangement with the Designated Information Officer, at the offices of Jeffreys Bay, free of charge and/or on the Website.
- 10.2 Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of Jeffreys Bay.
- 10.3 The Manual may possibly also be accessed on the website of the SAHRC.

**THUS DONE AND SIGNED BY THE COMPANY ON THE DATE AND AT THE PLACE SET
OUT HEREUNDER:**

For: JEFFREYS BAY WIND FARM (RF) (PTY) LTD

General Director who warrants that he is duly authorised hereto

Date: 12 May 2015

Place: Cape Town

Signature:

A handwritten signature in black ink, appearing to be a stylized name, possibly 'P. ...', written over a horizontal line.

