



EGOLI GAS PAIA AND POPIA MANUAL

**EGOLI GAS PROPRIETARY LIMITED
REGISTRATION NUMBER: 2006/009700/07)
("Egoli Gas")**

MANUAL



**in terms of Section 51 of The Promotion of Access to Information Act 2 of 2000 ("PAIA")
and to address requirements of The Protection of Personal Information Act
("POPIA")**



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1. INTRODUCTION

The PAIA gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any right. On request, the private body or government is obliged to release such information unless the PAIA states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA.

2. NATURE OF BUSINESS

EGOLI GAS (Pty) Ltd is a gas reticulation and trading entity incorporated in South Africa with customers in the domestic, multi-dwelling, central water heating, commercial, industrial and power generations sectors.

3. CONTACT DETAILS

Directors	LS Mehlomakulu TN Hillie V Pooran
Postal address:	Private Bag X10, Auckland Park, 2006
Physical address:	1 Annet Road, Cottesloe, Johannesburg, 2092
Information Officer:	M Schoeman
Telephone number:	+27-11-356-5000
Fax number:	+27-86-557-6672
E-mail address:	<u>info@egoligas.co.za</u>
Website:	<u>www.egoligas.co.za</u>

4. THE PAIA ACT AND SECTION 10 GUIDE

- 4.1 A guide to the PAIA (as contemplated under section 10 of PAIA) is available from the South African Human Rights Commission. This guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the PAIA. The Act grants a requester access to records of a private body, if the records is required for the exercise or protection of any right.
- 4.2 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 paragraphs 7 and 8 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. Any enquiries regarding this manual and its contents should be directed to: The contact details of the Commission are:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone number: +27-11-877-3600

Fax number: +27-11-403-0625

E-mail address: paiainfo@sahrc.org.za

Website: www.sahrc.org.za

or, alternatively, its successor:

The Information Regulator (South Africa):

Physical address: SALU Building, 316 Thabo Sehume Street, Pretoria

Telephone number: +27-12-406-4818

Fax number: +27-86-500-3351

E-mail address: inforeg@justice.gov.za

Website: www.justice.gov.za



5. APPLICABLE LEGISLATION

Records of Egoli Gas and other legal entities in which Egoli Gas may have has a direct or indirect interest through its parent company, may be kept by or on behalf of Egoli Gas in accordance with the following legislation (some of which legislation may not be applicable to Egoli Gas), as well as with other legislation that may apply to Egoli Gas from time to time:

(This is not an exhaustive list):

No	Ref	Legislation
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 53 of 2003	Broad Based Black Economic Empowerment Act
3	No 71 of 2008	Companies Act, as amended
4	No 130 of 1993	Compensation for Occupational Injuries and Health Disease Act
5	No 89 of 1998	Competition Act
6	No 68 of 2008	Consumer Protection Act
7	No 51 of 1977	Criminal Procedure Act
8	No 9 of 1933	Currency and Exchanges Act
9	No 91 of 1964	Customs and Excise Act
10	No 57 of 2002	Disaster Management Act
11	No 55 of 1998	Employment Equity Act
12	No 38 of 2001	Financial Intelligence Centre Act
13	No 28 of 2001	Financial Institutions (Protection of Funds) Act
14	No 97 of 1990	Financial Services Board Act
15	No 58 of 1962	Income Tax Act
16	No 66 of 1995	Labour Relations Act, as amended
17	No 101 of 1965	Medicine and Related Substances Control Act
18	No 85 of 1993	Occupational Health and Safety Act
19	No 2 of 2008	Promotion of Access Information Act
20	No 4 of 2000	Promotion of Equality and Prevention of Unfair Discrimination Act
21	No 12 of 2004	Prevention and Combating of Corrupt Activities Act
22	No 121 of 1998	Prevention of Organised Crime Act
23	No 26 of 2000	Protected Disclosure Act
24	No 4 of 2013	Protection of Personal Information Act
25	No 25 of 2007	Securities Transfer Tax Act

6. SCHEDULE OF RECORDS

6.1 AUTOMATIC DISCLOSURE OF RECORDS

The records listed here are automatically available without a person having to request access in terms of the PAIA.

- a) Marketing and promotional materials; and
- b) Newsletters.

6.2 CATEGORIES OF RECORDS AVAILABLE THAT MAY BE REQUESTED IN TERMS OF PAIA

Access to the records listed here are those that have been requested in terms of the PAIA. These records can be requested from the Information Officer at Egoli Gas according to the request procedures as described in the Manual. Access to the records listed below may be subject to the grounds of refusal as set out in this Manual.

6.2.1 PRIVATE BODY RECORDS

These are records which include, but are not limited to, records which pertain to Egoli Gas's own affairs including:

- a) financial records;
- b) operational records;
- c) databases;
- d) information technology systems and documents;
- e) marketing records;
- f) internal correspondence;
- g) statutory records;
- h) internal policies and procedures;
- i) agreements and contracts;
- j) fixed property;
- k) intellectual property; and
- l) legal documentation and correspondence.

6.2.2 PERSONNEL DOCUMENTS AND RECORDS

“**Personnel**” to any person who works for or provides services to or on behalf of Egoli Gas and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting Egoli Gas business and includes, without limitations, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers. Personnel records include:

- a. personnel records (provided by personnel themselves);
- b. records provided by a third party relating to personnel;
- c. conditions of employment and other personnel-related contractual and quasi-legal records;
- d. internal evaluation records and other internal records;
- e. correspondence relating to personnel; and
- f. training schedules and material.

6.2.3 OTHER PARTY RECORDS

- a. Personnel, customer, or private body records which are held by another party on Egoli Gas’s behalf, as opposed to the records held by Egoli Gas staff; and
- b. Records held by Egoli Gas pertaining to other parties, including without limitations, financial records, correspondence, contractual records, and records about Egoli Gas’s contractors and/or service providers.

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Egoli Gas may refuse a request for information on, *inter alia*, the following basis:

7.1 The mandatory protection of the privacy of a third party who is a natural person, to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual);

7.2 The mandatory protection of the commercial information of a third party, if the records contains:

7.2.1 trade secrets of that third party;

- 7.2.2 financial, commercial, scientific, or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interest of that third party;
- 7.2.3 information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - 7.2.3.1 to put that third party at a disadvantage in contractual or other negotiations;
 - or
 - 7.2.3.2 to prejudice that third party in commercial competitions.
- 7.3 The mandatory protection of confidential information of third parties if disclosure would constitute an action of breach of a duty of confidence owned to that third party in terms of an agreement;
- 7.4 The mandatory protection of the safety individuals and the protection of property;
- 7.5 The mandatory protection of records which would be privileged from production in legal proceedings;
- 7.6 The protection of Egoli Gas's commercial activities including, without limitations, records that contain:
 - 7.6.1 Egoli Gas' trade secrets;
 - 7.6.2 financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Egoli Gas's commercial or financial interests;
 - 7.6.3 information, the disclosure of which could reasonably be expected:
 - 7.6.3.1 to put Egoli Gas at a disadvantage in contractual or other negotiations; or
 - 7.6.3.2 to put prejudice Egoli Gas in commercial competition.
- 7.7 The mandatory protection of research information of Egoli Gas or a third party, if disclosure would expose the identity of Egoli Gas or the third party, the researcher, or the subject matter of the research to serious disadvantage.
- 7.8 Requests for information that are, in Egoli Gas's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

8. FORM OF REQUEST

To facilitate the processing of the requester, kindly:

8.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za (form enclosed in this Manual as Annexure 1);

8.2 Address the request to the Information Officer;

8.3 Provide sufficient details to enable Egoli Gas to identify:

8.3.1 The record(s) requested;

8.3.2 The requester (and if an agent is lodging the request, proof of capacity);

8.3.3 The form of access required;

8.3.4 The postal address or fax number of the requester in the Republic, or if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof;

8.3.5 The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

9. PRESCRIBED FEES

The following applies to requests (other than personal requests):

9.1 A requester is required to pay the prescribed fee as contained in the fee structure that is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za before a request will be processed;

9.2 If the preparation of the record requested required 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);

9.3 A requester may lodge an application with a court against the render/payment of the request fee and/or deposit;

9.4 Records may be withheld until the fees have been paid.

10. PROCESSING OF PERSONAL INFORMATION

10.1 PURPOSE OF PROCESSING

Egoli Gas uses the Personal Information under its care in the following ways:

- a. Administration of agreements;
- b. Detecting and prevention of fraud, crime, money laundering and other malpractice;
- c. Performing a due diligence for investments and projects;
- d. In connection with legal proceedings;
- e. Employee administration;
- f. Keeping accounts and records; and
- g. Complying with legal and regulatory requirements.

10.2 CATEGORIES OF DATA SUBJECTS AND THEIR PERSONAL INFORMATION

Egoli Gas may possess records relating to shareholders, suppliers, service providers, employees, and customers:

Entity Type	Personal Information Processed
Juristic persons/entities	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information; confidential information and correspondence.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information; confidential information and correspondence.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information; confidential information and correspondence.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information.
Contracted service providers	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information.
	Names of contact persons; name of legal entity; physical and postal addresses and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; beneficiaries; ultimate beneficial owners; B-BBEE information.
Employees/Directors	Gender; pregnancy status; marital status; colour; age; language; educational information; financial information; employment history; ID numbers; physical and postal address; contact details; criminal behaviour; well-being.
	Gender; pregnancy status; marital status; colour; age; language; educational information; financial information; employment history; ID numbers; physical and postal address; contact details; criminal behaviour; well-being.
	Gender; pregnancy status; marital status; colour; age; language; educational information; financial information; employment history; ID numbers; physical and postal address; contact details; criminal behaviour; well-being.

10.3 CATEGORIES OF RECIPIENTS FOR PROCESSING THE PERSONAL INFORMATION

Egoli Gas may supply Personal Information to service providers who render the following services:

- a. Capturing and organising of data;
- b. Storing of data;
- c. Conducting due diligence checks;
- d. Administration of provident funds;
- e. Outsourced administering of services (payroll, company secretarial, etc.);

10.4 GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES

Egoli Gas employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Measures include:

- a. Firewalls;
- b. Virus protection software and updated protocols;
- c. Logical and physical access control;
- d. Secure setup of hardware and software making up the IT infrastructure;
- e. Outsourced Service Providers who process Personal Information on behalf of Egoli Gas are contracted to implement security controls.

10.5 REMEDIES AVAILABLE IF REQUESTED INFORMATION IS REFUSED

10.5.1 Internal Remedies

Egoli Gas does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

10.5.2 External Remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification

of decision, apply to a court for relief. For purposes of the POPIA, courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

11. AVAILABILITY OF THE MANUAL

This manual is published on the company website (www.egoligas.co.za) or alternatively a copy can be requested, on reasonable notice, from the Information Officer at the offices of the Egoli Gas free of charge. Copies are available from the SAHRC.

According to Section 51 of the Promotion of Access to Information Act, 2 of 2000, this manual is duly signed by the information officer.

Signed at Johannesburg on this day 16 of February 2021.

INFORMATION OFFICER



M SCHOEMAN



FORM C

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

The Head:

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.

D. Full names and surname:

E. Identity number:

F. Postal address:

G. Fax number:

H. 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 for exemption.

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) Compliance with your request 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 for 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:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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.

1. Indicate which right is 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 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

