

EDF RENEWABLES (PTY) LTD

(Registration Number: 2008/004442/07)

Manual in terms of section 51 of the Promotion of

Access to Information Act, 2 of 2000 ("**the Act**")

as supplemented with additional requirements imposed by the

Protection of Personal Information Act, 4 of 2013 ("**POPIA**")

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1 CONTACT PARTICULARS

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2 INTRODUCTION

2.1 EDF Renewables South Africa (“EDF”) is a locally based fully integrated independent power producer that develops, finances, builds, owns and operates commercial renewable energy generation facilities.

2.2 EDF’s expertise in renewable energy technologies (wind, solar PV, battery storage etc.) stems from its parent company, EDF Renouvelables S.A, the renewable energy arm of global utility EDF.

- 2.3 With offices located in Cape Town, Johannesburg and Gqeberha, EDF provides oversight services for renewable energy projects by managing the projects and their commercial agreements over their life cycle.
- 2.4 This manual is published in terms of section 51 of the Act (“this **Manual**”) and provides an outline of the type of records and personal information which EDF holds. This Manual explains how to submit requests for access to these records in terms of the Act. In addition to explaining how to access, or object to, personal information held by EDF, or request correction of personal information held by EDF, in terms of sections 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“the **POPIA**”), this Manual also explains how to submit requests for access to these records in terms of the Act.
- 2.5 The objective of the Act is to give effect to the constitutional right to access to information, which information is held by a public or private body and which information is required for the exercise or protection of any rights. The Act recognises the right entrenched in section 32 of the Constitution of the Republic of South Africa and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.
- 2.6 Accordingly, requests for access to information held by EDF shall be made in accordance with the prescribed procedures and at the rates provided, as advised below in this Manual.
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3 AVAILABILITY OF THIS MANUAL

- 3.1 A copy of this Manual is available for inspection, upon request to the Information Officer (at contact details in paragraph 0 above), free of charge and at the offices of EDF.

4 GUIDE IN TERMS OF SECTION 10 OF THE ACT

- 4.1 The Act grants a requester access to the records of a private body if the record is required for the exercise or protection of any rights.
- 4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The prescribed forms and tariffs are dealt with in sections 53 and 54 of the Act.
- 4.3 Requesters are referred to the Guide in terms of section 10(1) of the ACT ("**Guide**") which has been updated and made available by the Information Regulator. The Guide is on how to use PAIA, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and POPIA.
- 4.4 The contact details of the Information Regulator are:
- 4.4.1 Physical Address: **JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001**
- 4.4.2 Postal Address: **P.O. Box 31533, Braamfontein, Johannesburg, 2017**
- 4.4.3 Telephone: **010 023 5200**
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- 4.4.4 Fax: **086 500 3351**
 - 4.4.5 Website: <https://inforegulator.org.za/>
 - 4.5 The Guide is available in each of the official languages and in Braille.
 - 4.5.1 English [PAIA-Guide-English_20210905.pdf](#)
(inforegulator.org.za)
 - 4.5.2 Other Official Languages [PAIA Guidelines - Information Regulator](#)
(inforegulator.org.za)
 - 4.6 The aforesaid Guide contains the description of-
 - 4.6.1 the objects of PAIA and POPIA;
 - 4.6.2 the postal and street address, phone and fax number and, if available, electronic mail address of: -
 - 4.6.2.1 the Information Officer of every public body, and
 - 4.6.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA.
 - 4.6.3 the manner and form of a request for: -
 - 4.6.3.1 access to a record of a public body contemplated in section 11; and
 - 4.6.3.2 access to a record of a private body contemplated in section 50.
 - 4.6.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
 - 4.6.5 the assistance available from the Information Regulator in terms of PAIA and POPIA;
 - 4.6.6 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: -
 - 4.6.6.1 an internal appeal;
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- 4.6.6.2 a complaint to the Information Regulator; and
- 4.6.6.3 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.
- 4.6.7 the provisions of sections 14 and 51 require a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.6.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.6.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 4.6.10 the regulations made in terms of section 92.
- 4.7 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.
- 4.8 The Guide can also be obtained: -
 - 4.8.1 upon request to the Information Officer;
 - 4.8.2 from the website of the Regulator (<https://inforegulator.org.za/>).
- 4.9 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
 - 4.9.1 English; and
 - 4.9.2 IsiZulu

5 FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

- 5.1 Information which is not readily available as indicated in this Manual, may be requested in accordance with the procedure prescribed in terms of the Act. Copies of
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the prescribed forms to be completed before submitting a request to the following email: legalcompliance@edf-re.co.za

6 INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

6.1 The EDF retains records and documents, from time to time, in accordance with all such legislation as is applicable to it pursuant to undertaking its day-to-day operations, which includes but is not limited to:			
6.1.1	Basic Conditions of Employment Act 75 of 1997	6.1.2	Companies Act 71 of 2008
6.1.3	Consumer Protection Act 68 of 2008	6.1.4	Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
6.1.5	Competition Act 89 of 1993	6.1.6	Consumer Protection Act 2008
6.1.7	Copy Right Act 98 of 1978	6.1.8	Currency and Exchanges Act 9 of 1933
6.1.9	Customs and Excise Act 91 of 1964	6.1.10	Electronic Communications and Transactions Act, 25 of 2002
6.1.11	Employment Equity Act 55 of 1998	6.1.12	Employment Tax Incentive Act 26 of 2013
6.1.13	Financial Advisory and Intermediary Services Act	6.1.14	Income Tax Act 58 of 1962
6.1.15	Intellectual Property Laws and Amendments Act 28 of 2013	6.1.16	Labour Relations Act 66 of 1995
6.1.17	National Credit Act 34 of 2005	6.1.18	National Minimum Wage Act, 9 of 2018
6.1.19	Occupational Health and Safety Act 85 of 1993	6.1.20	Pension Funds Act 24 of 1956
6.1.21	Promotion of Access to Information Act 2 of 2000	6.1.22	Protection of Personal Information Act 4 of 2013 /POPIA

6.1.23	South African Reserve Bank Act 90 of 1989	6.1.24	South African Revenue Services Act 34 of 1997
6.1.25	Skills Development Levies Act 9 of 1999	6.1.26	Skills Development Act 97 of 1998
6.1.27	Tax Administration Act 28 of 2011	6.1.28	Trademarks Act 194 of 1993
6.1.29	Transfer Duty Act 40 of 1949	6.1.30	Unemployment Contributions Act 4 of 2002
6.1.31	Unemployment Insurance Act 63 of 2001	6.1.32	Value Added Tax Act 89 of 1991

6.2 Where records are kept in terms of any of the above legislation and same is of a public nature, these may, in certain circumstances, be available without the requirement of a request in terms of the Act.

7 INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase or photocopying:

7.1 Public Corporate Records

7.2 Public Product Information

7.3 Media Releases

8 INFORMATION AVAILABLE IN TERMS OF THE ACT - ON REQUEST

8.1 Management Accounts

8.2 Statutory Business Records

8.3 Product Sales Records

8.4 Information Technology information and documentation

8.5 Personnel Records

9 INFORMATION SUBJECT TO ACCESS RESTRICTIONS

CLASSIFICATION	
May be disclosed	
9.1	Public Access Document
9.2	Subject to copyright
May <u>not</u> be disclosed	
9.3	Request after commencement of criminal or civil proceedings
9.4	Unreasonable disclosure of personal information or of natural person
9.5	Likely to harm the commercial or financial interests of a third party
9.6	Likely to harm EDF or third party in contract or other negotiations
9.7	Would breach a duty of confidence owed to a third party in terms of an Agreement
9.8	Likely to compromise the safety of individuals or the protection of property
9.9	Legally privileged document
9.10	Commercial information of Private Body
9.11	Likely to prejudice research and development information of EDF or a third party
Limited Disclosure	
9.12	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information
May not be Refused	
9.13	Environmental testing / investigation which reveals public safety / environmental risks
9.14	Disclosure in public interest

10 REQUESTING PROCEDURES

- 10.1 A person who wants access to records of information not automatically available (as listed above in paragraph 8) must complete the necessary prescribed request form that is available at <https://edf-re.co.za/> or the offices of EDF (see paragraph 0 above for details).
- 10.2 The completed prescribed request form must be sent to the postal address or e-mail address provided in this Manual and marked for the attention of the Information Officer.
- 10.3 Please provide sufficient details to enable EDF to identify:
- 10.3.1 the record(s) requested;
 - 10.3.2 the requester (and if an agent is lodging the request, proof of capacity);
 - 10.3.3 the form of access required:
 - 10.3.3.1 perusal with copying of material if needed and at the prescribed fee for copies; or
 - 10.3.3.2 access to visual, audio-visual material with a transcription, dubbing, copying or both, if required.
 - 10.3.4 the postal address or e-mail address of the requester in the Republic of South Africa;
 - 10.3.5 if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
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10.3.6 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.

10.4 The Information Officer will process the request, as soon as reasonably possible, within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above periods not be complied with.

11 PRESCRIBED FEES

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

11.1.1 A requestor is required to pay the prescribed fees, in terms of the Act, before a request will be processed.

11.1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (one-third of the amount per request calculated in terms of items 2 to 8. See Annexure B – Information Regulator PAIA Manual as at November 2023).

11.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

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

11.1.5 The fee structure is available and annexed hereto as Annexure A.

12 REMEDIES

- 12.1 EDF does not have an internal appeal procedure regarding the Act and POPIA requests for access to information. As such, the decision made by the duly authorised person whose particulars appear in paragraph 0, is final.
- 12.2 If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

13 PROTECTION OF PERSONAL INFORMATION PROCESSED

- 13.1 Pursuant to promoting responsible information processing practices within its organisation, as well as in its capacity as a responsible party contemplated in terms of the provisions of the POPIA, EDF takes any activities relating to the protection and processing of personal information (as defined in terms of the provisions of section 1 of the POPIA) seriously. To promote the constitutional right to privacy, as well as to play its part in promoting the rights protected in terms of the POPIA, EDF undertakes to, in so far as is required of it, observe the requirements and conditions for the lawful processing of personal information.
- 13.2 EDF has dedicated policies and procedures in place to protect all personal information collected and processed by it. Kindly refer to EDF's Privacy Policy ("**Privacy Policy**"), available on request through the Information Officer, which request may be made to legalcompliance@edf-re.co.za , for more information on, among others, how EDF collects, processes, uses and discloses personal information.
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14 DISCLOSURES IN TERMS OF POPIA

14.1 POPIA requires that a data subject be notified or made aware of the following when EDF collects personal information of such data subject. EDF undertakes to notify a data subject of the following when collecting such data subject's personal information unless the POPIA or any other law provides otherwise:

14.1.1 the information being collected and where the information is not collected from the data subject, the source from which it is collected;

14.1.2 the name and address of EDF;

14.1.3 the purpose for which the information is being collected;

14.1.4 whether or not the supply of the information by that data subject is voluntary or mandatory;

14.1.5 the consequences of failure to provide the information;

14.1.6 any particular law authorising or requiring the collection of the information;

14.1.7 any further information such as the:

14.1.7.1 recipient or category of recipients of the information;

14.1.7.2 nature or category of the information;

14.1.7.3 existence of the right of access to and the right to rectify the information collected;

14.1.7.4 the existence of the right to object to the processing of personal information as referred to in section 11 (3) of POPIA; and

14.1.7.5 right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.

14.2 If EDF has previously taken the steps referred to in paragraph 14.1 (including its subparagraphs), it complies with such paragraph(s) in relation to the subsequent collection from the data subject of the same information or information of the same kind if the purpose of collecting of the information remains the same.

14.3 It is not necessary for EDF to comply with paragraph 14.1 (including its subparagraphs) if:

14.3.1 the data subject or a competent person where the data subject is a child and has provided consent for the non-compliance;

14.3.2 non-compliance would not prejudice the legitimate interests of the data subject as set out in terms of POPIA;

14.3.3 non-compliance is necessary:

14.3.3.1 to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;

14.3.3.2 to comply with an obligation imposed by law or to enforce legislation;

14.3.3.3 for the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated;

14.3.3.4 in the interests of national security;

14.3.3.5 if compliance would prejudice a lawful purpose of the collection;

14.3.3.6 if compliance is not reasonably practicable in the circumstances of the case; or

14.3.3.7 if the information will:

14.3.3.7.1 not be used in a form in which the data subject may be identified; or

14.3.3.7.2 be used for historical, statistical or research purposes.

14.4 EDF has developed and published the POPIA Policy in compliance, among others, with its obligations in terms of this paragraph 14 and all data subjects are required to make themselves aware of the contents of the POPIA Policy.

15 DATA SUBJECT CATEGORIES AND PERSONAL INFORMATION PROCESSED

15.1 EDF may possess records relating to suppliers, shareholders, contractors/service providers, staff and customers:

Entity/Type	Personal Information Processed
Complainants – Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence.
Complainants – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax-related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax-related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Foreign Persons/Entities	Name; contact details (contact number(s), fax number, email address); physical and postal addresses.

Intermediary/Advisory Consultants	Names of contact persons; Name of Entity; Physical and Postal address and contact details (contact number(s), fax number, email address); Registration Number.
Contracted Service Providers	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax-related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status; affiliates entities, business strategies.
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being.

16 RECIPIENTS OR CATEGORIES OF RECIPIENTS WITH WHOM PERSONAL INFORMATION IS SHARED

16.1 Subject to any relevant terms and conditions of use which may be applicable when a data subject engages with EDF, we may share the personal information of any data subject we process for any of the purposes outlined in paragraph **Error! Reference source not found.** above, with the following third parties, whether such third parties qualify as “responsible parties” in terms of section 1 of the POPIA or not. These include but are not limited to:

16.1.1 Statutory authorities;

16.1.2 Law enforcement agencies;

16.1.3 Tax authorities;

16.1.4 Employee pension and provident funds;

16.1.5 Industry bodies;

16.1.6 Contractors, consultants, advisors, vendors, or suppliers, with whom EDF has an agreement;

16.1.7 Payment processors;

16.1.8 Email management and distribution tools;

16.1.9 Data storage providers;

16.1.10 Server hosts; and

16.1.11 Any approved service providers or authorised agents who perform services on EDF’s behalf.

17 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

17.1 We have assessed our security risks in respect of the personal information we process in line with the POPIA, and we have implemented reasonable technical and organisational measures for the security and protection of personal information processed by us. We at all times take reasonable and appropriate security measures to secure the integrity and confidentiality of personal information in our possession in order to guard against:

17.1.1 the risk of loss or misuse of personal information;

17.1.2 unlawful access, processing and disclosure; and

17.1.3 unauthorised alteration or destruction of personal information.

17.2 We will take steps to ensure that any third-party process operators (as defined in terms of section 1 of the POPIA) who process personal information for or on behalf of EDF, apply adequate safeguards as outlined above.

18 PERSONAL INFORMATION RECEIVED FROM THIRD PARTIES

18.1 When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject; that they are aware of the contents of this Manual and the Privacy Policy, and that they have ensured, through adequate proof, that the data subject does not have any objection to our processing of their information in accordance with this Manual and/or the Privacy Policy.

19 CONDITIONS OF LAWFUL PROCESSING

19.1 EDF has provided for its disclosures in respect of the POPIA on the conditions for lawful processing of personal information, in its Privacy Policy.

20 UPDATING OF THIS MANUAL

20.1 EDF undertakes to update this Manual at regular intervals, or whenever it is deemed necessary to do so.

“ANNEXURE A”

PRESCRIBED FEE SCHEDULE

Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	R40.00
	• If provided by requester	R60.00
	• If provided to the requester	
5.	For a transcription of visual images per A4-size page	Service to be outsourced.
6.	Copy of visual images	Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	R40.00
	• If provided by requester	R60.00
	• If provided to the requester	
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
	To not exceed a total cost of	R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.

