



**MIDSTREAM
ELECTRICAL SUPPLIES
(Pty) Ltd**

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BTW Reg Nr. / VAT Reg No. 4590209534

**MIDSTREAM ELECTRICAL SUPPLIES (PTY) LTD
SECTION 51 MANUAL**

**In terms of
The Promotion of Access to Information Act**

2/2000

(the "ACT")

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1. Introduction

Midstream Electrical Supplies is a private company that distributes electricity within the boundaries of Midstream. This manual is limited to the records held by Midstream Electrical Supplies (Pty) Ltd.

2. Company Contact Details [Section 51(1)(a)]

Person designated / duly authorised persons:

Directors Jan Zeederberg (managing)
Riaan Botma

Information Officer Adri Rooseboom

Postal Address PO Box 3
MIDSTREAM ESTATE
1692

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3 Ashford Street
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1692

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Website <https://mes.midstream.co.za>

Signed at MIDSTREAM on this the 6th day of JUNE 2019


Jan Zeederberg
Director

3. The ACT

3.1 The ACT grants a requester access to records of the Company, 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.

3.1 Requests in terms of the ACT shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7

3.2 Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purpose of exercising Constitutional Rights. The contact details of the Commission are:

| | |
|------------------|--|
| Postal Address: | The South African Human Rights Commission: PAIA Unit The Research and Documentation Department Private Bag X 2700, Houghton, 2041 |
| Telephone Number | +27-11-484 8300 |
| Fax Number | +27- 11-484 0582 |
| E-mail address | PAIA@sahrc.org.za |
| Website | www.sahrc.org.za |

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to the contact person as identified in section 2 of this manual.

A copy of the manual will be available for inspection at:

- The physical address of the company; and
- The South African Human Rights Commission.

4. Applicable Legislation

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

| | |
|-------------------|--|
| 1. No 71 of 2008 | Companies Act |
| 2. No 98 of 1978 | Copyright Act |
| 3. No 55 of 1998 | Employment Equity Act |
| 4. No 58 of 1962 | Income Tax Act |
| 5. No 66 of 1995 | Labour Relations Act |
| 6. No 89 of 1991 | Value Added Tax Act |
| 7. No 37 of 2002 | Financial Advisory and Intermediary Services Act |
| 8. No 75 of 1997 | Basic Conditions of Employment Act |
| 9. No 25 of 2002 | Electronic Communications and Transactions Act |
| 10. No 2 of 2000 | Promotion of Access of Information Act |
| 11. No 63 of 2001 | Unemployment Insurance Act |
| 12. No 9 of 1999 | Skills Development Levy Act |
| 13. No 85 of 1993 | The Occupational Health and Safety Act |
| 14. 2008 | National Energy Act |
| 15. 1997 | South African Revenue Service Act |
| 16. No 24 of 1936 | Insolvency Act |
| 17. No 27 of 1943 | Insurance Act |
| 18. 1996 | Constitution of the Republic of South Africa |
| 19. 2002 | Unemployment Insurance Contributions Act |
| 20. 2013 | Protection of Personal Information Act |

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact our Information Officer. Your assistance in this regard is appreciated.

5. Access to Records and Availability

Description of the subjects on which records are held and the categories of records held on each subject

| Records | Subject |
|-------------------------------------|--|
| Companies Act Records | - Documents of incorporation |
| | - Memorandum and Articles of Association |
| | - Share Register and other statutory registers (Record relating to the appointment of directors/ auditor/ secretary/ public officer and other officers.) |
| Financial Records | - Annual Financial Statements |
| | - Accounting Records |
| | - Banking records |
| | - Bank Statements |
| | - Paid Cheques |
| | - Electronic banking records |
| | - Asset Register |
| | - Rental Agreements |
| - Invoices | |
| Tax Records | - PAYE Records |
| | - Tax Returns (Income Tax Assessments + Provisional Tax Assessments) |
| | - Documents issued to employees for income tax purposes |
| | - Records of payments made to SARS on behalf of employees |
| | - Other statutory compliances: VAT, SDL, UIF & workmen's compensation |
| Personnel Documents and Records | - Employment contracts |
| | - Disciplinary records |
| | - Disciplinary code |
| | - Salary records |
| | - Leave records |
| | - Training records |
| | - Training manuals |
| - SETA records | |
| Other (freely available on website) | - Terms & Conditions |
| | - Application Forms |
| | - Tariffs & Fees |

6. Form of Request

To facilitate the processing of your request, kindly:

6.1 This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. The prescribed form is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za or THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT AT www.justice.gov.za (forms PAIA)

A request form is also available from our offices. The prescribed fee should be attached (refer to Section 7 of this manual for more details on the fees)

- a. Address your request to the Company Information Officer
- b. Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester (*and if an agent is lodging the request, proof of capacity*);
 - (c) The form of access required;
 - (d) (i) The postal address or fax number of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) 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.
 - (f) The request form must be completed clearly and completely in block letters. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced

Notification

Requesters will be evaluated and the requester notified, within 30 days of receipt of the completed Access Request Form. Notification may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- i. The required extension period, which will not exceed an additional 30 days;
- ii. Adequate reasons for the extension; and
- iii. Notice that the requester may lodge an application with a court against the payment of the deposit and the procedure including the period, for lodging the application.

Form of Request (continue)

Access granted

If access to a record / information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the format in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.
-

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

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

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements 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 Chapter 4 of Part 3 of the Act.

Access denied

If access to a record / information is denied, our 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 the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Grounds for Refusal

Midstream Electrical Supplies (Pty) Ltd may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Midstream Electrical Supplies (Pty) Ltd may refuse access include:

- i. Protecting personal information that Midstream Electrical Supplies (Pty) Ltd hold about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- ii. Protecting commercial information that Midstream Electrical Supplies (Pty) Ltd holds about a third party or Midstream Electrical Supplies (Pty) Ltd (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization of the third party);
- iii. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;

Form of Request (continue)

- iv. If disclosure of the record would endanger the life or physical safety of an individual;
- v. If disclosure of the record would prejudice or impair the security of property or means of transport;
- vi. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- vii. If disclosure of the record would prejudice or impair the protection of the safety of the public;
- viii. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- ix. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Midstream Electrical Supplies (Pty) Ltd;
- x. Disclosure of the record would put Midstream Electrical Supplies (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
- xi. The record is a computer programme; and
- xii. The record contains information about research being carried out or about to be carried out on behalf of a third party or Midstream Electrical Supplies (Pty) Ltd.

Records that cannot be found or do not exist

If Midstream Electrical Supplies (Pty) Ltd has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

7. Prescribed fees

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

- 7.1 A request fee of R50 (VAT excluded) will be charged for access to any records. If the request is granted, the person who submitted the request will be accordingly notified and a further access fee will be payable. The additional fee would be for the reproduction, preparation and time reasonably required to search for and prepare the disclosure;
- 7.2 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);
- 7.3 A requester may lodge an application with a court against the tender / payment of the request fee and / or deposit;
- 7.4 Records may be withheld until the fees have been paid;

7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT www.justice.gov.za

8. Request for access to information about third parties

If your request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted, You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.