

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

PRIVATE BODY MANUAL

1. INTRODUCTION

- 1.1 This manual is submitted on behalf of the following companies, who shall collectively be referred to in this manual as the “Private Body”:
 - 1.1.1 Steinmüller Africa (Proprietary) Limited;
 - 1.1.2 Bilfinger Intervolve Africa (Proprietary) Limited.
 - 1.1.3 Bilfinger Power Africa (Proprietary) Limited
- 1.2 All requests for records held by any of the companies listed in clause 1.1 above shall be dealt with by the Information Officer of the Private Body.

2. CONTACT DETAILS OF THE PRIVATE BODY

- 2.1 Physical Address: 45 De La Rey Road, Rivonia, Johannesburg, 2191
- 2.2 Postal address: PO Box 1537, Rivonia, 2128
- 2.3 Telephone: +27 11 806 3000
- 2.4 Telefacsimile: +27 86 613 1965
- 2.5 Websites: www.steinmuller.bilfinger.com; www.intervolve.bilfinger.com
- 2.6 E-Mail: info.steinmuller@bilfinger.com; info.intervolve@bilfinger.com;
- 2.7 Head of the Private Body Steinmüller Africa (Proprietary) Limited:
 - M.M. Bolofo,
 - M. Saaiman, and
 - M.S. Khan
- 2.8 Head of the Private Body Bilfinger Intervolve Africa (Proprietary) Limited:
 - M.S. Khan
- 2.9 Head of the Private Body Bilfinger Power Africa (Proprietary) Limited:
 - M. Jäkel
- 2.10 Headquarters and registered address of the Private Body
 - 45 De La Rey Road, Rivonia, 2191, South Africa
- 2.11 Information Officer:
 - Gail Evans
 - Phone: +27 11 806 3000
 - Fax: +27 86 613 1965
 - Email: info.steinmuller@bilfinger.com

2.11 Who we are:

- The companies comprising the Private Body are incorporated in terms of the company laws of South Africa.
- Steinmüller Africa provides services in relation to the life cycle management of steam generation and plant reticulation in Sub-Saharan Africa.
- Bilfinger Intervolve Africa's main business is the maintenance and supply of valves to the mining, power generation, process, pulp and paper, water treatment, iron and steel and chemical / petrochemical industries.
- Bilfinger Power Africa acts as a holding company for the shares in subsidiary and affiliate companies.

3. SECTION 10 GUIDE

In terms of section 10 of the Promotion of Access to Information Act, 2000, a guide containing information which will assist you in understanding how to exercise your rights under PAIA is available in all official languages. If you have any queries or need a copy of the guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints Email: Complaints.Ir@Justice.Gov.Za

General Enquiries Email: Inforeg@Justice.Gov.Za.

4. SECTION 52(2) NOTICE

No notice has been published.

5. SUBJECTS AND CATEGORIES OF INFORMATION HELD

The subjects and categories of information on which the Private Body holds records are as follows:

5.1 Intellectual Property:

- 5.1.1 patent documentation;
- 5.1.2 trademarks, trade names and protected names;
- 5.1.3 copyrights;
- 5.1.4 agreements relating to intellectual property, such as license agreements and confidentiality agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- 5.1.5 litigation and other disputes involving intellectual property.

- 5.2 **Financial Information:**
- 5.2.1 Annual Financial Statements;
- 5.2.2 accounting records including journals and ledgers;
- 5.2.3 asset registers;
- 5.2.4 banking records;
- 5.2.5 delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- 5.3 **Information Technology:**
- 5.3.1 software licenses;
- 5.3.2 programmes and documentation relating thereto.
- 5.4 **Statutory Employee Records:**
- 5.4.1 employees' names and occupations;
- 5.4.2 time worked by each employee;
- 5.4.3 remuneration paid to each employee;
- 5.4.4 date of birth of each employee;
- 5.4.5 attendance registers;
- 5.4.6 employment equity plan;
- 5.4.7 salary and wages register;
- 5.4.8 records of foreign employees;
- 5.4.9 collective agreements;
- 5.4.10 arbitration awards;
- 5.4.11 determinations made in terms of the Wage Act;
- 5.4.12 records of strikes, lockouts or protest action;
- 5.4.13 staff records (after date of employment ceases);
- 5.4.14 expense accounts;
- 5.4.15 disciplinary/grievance documents;
- 5.4.16 tax returns of employees.
- 5.5 **Other Employee Records:**
- 5.5.1 employee contracts;
- 5.5.2 incentive schemes;
- 5.5.3 study loan schemes;
- 5.5.4 disability scheme;
- 5.5.5 funeral insurance scheme;
- 5.5.6 group personal accident;
- 5.5.7 wellness records and reports.
- 5.6 **Pension and Retirement Funding Records:**
- 5.6.1 pension fund rules;
- 5.6.2 pension fund account records;

- 5.6.3 minutes of meeting of trustees and members;
- 5.6.4 actuarial valuation reports;
- 5.6.5 contribution reports;
- 5.6.6 beneficiaries.

5.7 Annual Accounts Operational Information:

- 5.7.1 proposal strategy and reports;
- 5.7.2 minutes of meetings;
- 5.7.3 details of directors and share register;
- 5.7.4 contracts with suppliers, contractors and clients;
- 5.7.5 quality procedures;
- 5.7.6 performance records;
- 5.7.7 site records;
- 5.7.8 management reports.

5.8 Statutory Company Information:

- 5.8.1 certificate of incorporation;
- 5.8.2 certificate of change of name (if any);
- 5.8.3 memorandum and articles of association /memorandum of incorporation;
- 5.8.4 certificate to commence business;
- 5.8.5 minutes of board of directors meetings;
- 5.8.6 records relating to the appointment of directors/auditor/secretary/public officer and other officers;
- 5.8.7 share registers and other statutory registers;
- 5.8.8 shareholder agreements;
- 5.8.9 resolutions.

5.9 Agreements and Contracts:

- 5.9.1 material agreements concerning provision of services or/and materials;
- 5.9.2 joint venture and partnership agreements;
- 5.9.3 agreements with shareholders, officers or directors;
- 5.9.4 acquisition and disposal documentation;
- 5.9.5 agreements with sub-contractors and suppliers;
- 5.9.6 warranty agreements;
- 5.9.7 sale agreements;
- 5.9.8 lease agreements;
- 5.9.9 distributor, dealer or agency agreements;
- 5.9.10 restraint agreements;
- 5.9.11 agreements with governmental agencies;

- 5.9.12 purchase or lease agreements;
- 5.9.13 licensing for vehicle and construction equipment;
- 5.9.14 all commercial correspondence.
- 5.10 **Taxation:**
- 5.10.1 Copies of all income tax returns and other tax returns and documents.
- 5.11 **Legal:**
- 5.11.1 complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- 5.11.2 settlement agreements;
- 5.11.3 material licenses, permits and authorisations.
- 5.12 **Insurance:**
- 5.12.1 insurance policies;
- 5.12.2 claim records;
- 5.12.3 details of insurance coverages, limits and insurers.
- 5.13 **Proposals:**
- 5.13.1 products;
- 5.13.2 markets;
- 5.13.3 customers;
- 5.13.4 brochures, newsletters, advertising materials;
- 5.13.5 sales;
- 5.13.6 domestic and export orders.
- 5.14 **Engineering and Design:**
- 5.14.1 design;
- 5.14.2 specifications;
- 5.14.3 statutory and other quality documents.
- 5.15 **Environmental Health and Safety:**
- 5.15.1 noise exposure records;
- 5.15.2 water quality monitoring programme records;
- 5.15.3 waste water assessment and monitoring records;
- 5.15.4 records of waste water discharges;
- 5.15.5 records of waste water storage and waste water disposal;
- 5.15.6 employee medical surveillance records in respect of hazardous chemical substances;
- 5.15.7 records investigation and tests in respect of hazardous chemicals and substances;
- 5.15.8 records of risk assessments and monitoring results in respect of hazardous biological agents;
- 5.15.9 safety management systems, data and audits;
- 5.15.10 industrial hygiene programmes, data and audits;
- 5.15.11 employees public health emergency action plans;

- 5.15.12 permit licenses, approvals and registrations for operations of sites and business;
- 5.15.13 emergency response plans;
- 5.15.14 environmental impact assessments;
- 5.15.15 environmental management programmes and systems;
- 5.15.16 details of aqueous discharges;
- 5.15.17 details of solid waste discharges;
- 5.15.18 certification of lifting equipment;
- 5.15.19 details of air emission discharges.

5.16 Procurement:

- 5.16.1 vendor creation and supporting documents;
- 5.16.2 vendor contracts and orders.

6. PROCESSING OF PERSONAL INFORMATION

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing of personal information, including the collection, use, and transfer thereof. In terms of POPIA, a person ("Responsible Party") has a legal duty to process personal information belonging to another ("Data Subject") in a lawful, legitimate and responsible manner and in accordance with the processing conditions and other provisions of POPIA. The Private Body, as a Responsible Party, will from time to time process personal information, which belongs to a Data Subject.

6.1 The Purpose of Processing Personal Information:

The Private Body processes personal information for a number of reasons, including but not limited to the following:

- to pursue business objectives and strategies;
- to comply with a variety of lawful obligations, including without detracting from the generality thereof;
- to carry out actions for the conclusion and performance of a contract between the Private Body and Data Subjects;
- to pursue the legitimate interests of the Data Subject, the Private Body or that of the third party to whom the personal information is supplied;
- for the purpose of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
- for the purpose of providing the Data Subject with information pertaining to the Private Body, its officers, employees, services and goods and other ad hoc business related information;
- for the purposes of performing various operations, such as management of employees and the performance of all required HR, IR and SHEQ functions; customer relations; financial transactions and administration and generally providing commercial support as necessary;

- to prevent fraud and abuse of the Private Body's processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

6.2 Recipients or Categories of Recipients with whom Personal Information is shared:

The Private Body may share personal information for any of the purposes outlined above with employees, directors, officers, shareholders, related third parties, service providers, administrators, banks, labour brokers, external advisors and auditors, clients, business and trading partners, consultants, agents, operators, government departments, organs of state, officials and law enforcement agencies. We endeavour to enter into written agreements with third parties with whom we share personal information to ensure their compliance with POPIA and our confidentiality and privacy requirements. All employees of the Private Body are required to adhere to data privacy and confidentiality principles and attend data privacy training.

6.3 Information Security Measures to Protect Personal Information:

Reasonable technical and organisational measures are implemented for the protection of personal information processed by the Private Body. The Private Body will continuously implement and monitor technical and organisational security measures to protect personal information against unauthorised access, accidental or wilful manipulation, loss or destruction. The Private Body shall take steps to ensure that operators that process personal information apply adequate safeguards as outlined above.

6.4 Trans Border Flow of Personal Information:

The Private Body will only transfer personal information to other countries if required to achieve a lawful purpose and only to countries which have similar data privacy laws in place or where the recipient of the personal information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

6.5 Information Security Measures to Protect Personal Information received from Third Parties:

If the Private Body receives personal information from a third party on behalf of a Data Subject, the Private Body shall require confirmation from the third party that it has consent from the Data Subject, that it is aware of the contents of this PAIA manual and the Private Body's POPIA Policy and that the Data Subject does not have any objection to the Private Body processing its information.

6.6 Storage, Retention and Destruction of Information:

The Private Body will ensure that personal information is stored electronically in a centralised database which, for operational reasons, will be accessible to all within the Private Body on a need to know and business basis, save that where appropriate, some of the personal information may be retained in hard copy.

All such personal information will be held and / or stored securely. In this regard, the Private Body will ensure that regular audits are performed regarding the safety and security of all personal information.

Once personal information is no longer required because the purpose for which it was held no longer exists, such personal information will be safely and securely archived for the prescribed periods, whereafter the personal information will be permanently destroyed.

6.7 The Party to whom the Personal Information belongs (Data Subject) has the Following Rights:

- 6.7.1 The right of access: You may ask us, free of charge, to confirm that we hold your personal information, or to provide you with details, at a fee, as to how we have processed your personal information.
- 6.7.2 The right to rectification: You have the right to ask us to update or rectify any inaccurate personal information.
- 6.7.3 The right to erasure (the 'right to be forgotten'): You may ask us to erase your personal information where there is no longer a legal basis or legitimate reason to process your personal information and the legal retention period has expired.
- 6.7.4 The right to object to and restrict further processing: You may object to us processing your personal information in circumstances where we do not need your consent to process such information, but you are not in agreement with such processing.
- 6.7.5 The right to withdraw consent: Where you have provided us with consent to process your personal information, you have the right to subsequently withdraw your consent.

7. THE REQUEST PROCEDURES

7.1 Form of Request:

- 7.1.1 A requester must use the prescribed form (**Annexure A – Request for Access to Record of Private Body, Annexure B - Objection to the Processing of Personal Information or Annexure C - Request for Correction or Deletion of Personal Information**) (attached hereto) submitted together with the prescribed fee, if applicable.
- 7.1.2 The requester must submit the completed prescribed form to the Information Officer at the address, fax number or electronic mail address of the Private Body.
- 7.1.3 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate in which form the information is required and if it requires notice of the decision of the Information Officer in any manner other than in writing.
- 7.1.4 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

- 7.1.5 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- 7.2 **Fees:**
- 7.2.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- 7.2.2 The Information Officer must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 7.2.3 The requester may lodge an application to court relating to the payment of the request fee.
- 7.2.4 After the Information Officer has made a decision on the request, the requester must be notified in the required form. Requests will be processed within 30 (thirty) days of receipt thereof unless the request contains considerations of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified of such requirement together with reasons therefor.
- 7.2.5 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare the record for disclosure.
- 7.2.6 It should be noted that the manual accessible on the website of the Private Body and in the Government Gazette does not include the fee structure. The fee structure can be obtained via the following website of the Department of Justice and Constitutional Development :
- www.justice.gov.za/paia/paia-faq.htm

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Section 70 of PAIA provides that disclosure of a record is compulsory if it would reveal (i) a substantial contravention of or failure to comply with the law; (ii) there is an imminent and serious public safety or environmental risk; or (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

It is important to note that access is not automatic - you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. In accordance with PAIA, the Private Body may refuse a request for information or record if that information houses confidential information, including:

- personal information of a third party who is either a natural person or a legal entity, which involves the unreasonable disclosure of personal information of that person or which is in contravention with POPIA;
- commercial information of the Private Body or a third party, including trade secrets; financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of the Private Body or the third party;

- confidential information owned or held by the Private Body and regardless of whether same is confidential to the Private Body or that of a third party, where such disclosure could put the Private Body or the third party at a disadvantage in negotiations or commercial competition or where the parties have a legal duty to protect the confidential information or where it is protected in terms of any agreement;
- records produced during legal proceedings, unless that legal privilege has been waived;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- records or information pertaining to, or in connection with the safety of individuals and the protection of property;
- if the record contains information about research being carried out on behalf of a third party or by the Private Body.

9. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

The appeal procedure to be followed after a request for access information has been refused will be described in the correspondence addressed to you by the Information Officer. In the event that you are not satisfied with the outcome of the appeal, you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further. Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 21 (twenty-one) days in which to either give consent to the disclosure or make representations as to why the information should not be disclosed, failing which you will be granted access to the record.

10. OTHER INFORMATION REQUIRED BY REGULATION

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

11. AVAILABILITY OF THE MANUAL

This manual is available for inspection, free of charge, at the reception area of 45 De La Rey Road, Rivonia, Johannesburg, and can also be accessed via our website (www.steinmuller.bilfinger.com or www.intervolve.bilfinger.com). A copy of this manual is kept by the Information Regulator, whose details are set out above.

ANNEXURE A

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act 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 recorded below.*

(b) *Furnish an address and/or fax number in the Republic to which information must be sent.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number:

Fax Number:

E-mail Address:

Capacity in which Request is made, when made on behalf of Another Person:

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. **Please note that the head of the Private Body cannot process a request that requires release of personal information of another, unless there is expressed consent from the individual.***

Full Names and Surname.

Identity Number:

C. 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 applicable:

3. Any Further Particulars of Record:

D. Fees

- (a) A request for access to a record 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 or deposit (if applicable).
- (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.

Reason for Exemption from Payment of Fees:

E. Form of Access to Record:

<i>If you suffer from a disability in being unable 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.</i>	
Disability:	Form in which Record is required:

<i>Mark the appropriate box with an "X".</i>					
NOTES:					
(a) Your indication as to the required form of access depends 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 to 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:					
	Copy of record*		Inspection of record		
2. If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	View the images		Copy of the images*		Transcription of images*
3. If record consists of recorded words or information which can be reproduced in Sound:					
	Listen to soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)		

4. If record is held on computer or in an electronic or machine- readable form -					
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (compact disc/ memory stick)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.				YES	NO

F. 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 Requested Record is required for the Exercising or Protection of the Aforementioned Right:

G. Notice of Decision regarding Request:

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

ANNEXURE B

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of Data Subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of Responsible Party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....

Signature of Data Subject / designated person

ANNEXURE C

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the Data Subject which is in possession or under the control of the Responsible Party (Section 24(1)(a))

☐

Destroying or deleting a record of personal information about the Data Subject which is in possession or under the control of the Responsible Party, who is no longer authorised to retain the record of information (Section 24(1)(b)).

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of Data Subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of Responsible Party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	

C	INFORMATION TO BE CORRECTED / DELETED / DESTRUCTED / DESTROYED
D	PLEASE PROVIDE DETAILED REASONS FOR THE REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION

Signed at this day of20.....

.....
Signature of Data Subject/ designated person