

SMA SOLAR TECHNOLOGY SOUTH AFRICA (PTY)
LTD

MANUAL

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

Compilation Date 04.09.2019
Last Updated: 30.09.2019

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1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

1.1 The Promotion of Access to Information Act No. 2 of 2000, as amended (hereinafter referred to as "**PAIA**"), was enacted on 3 February 2000 and aims to: -

1.1.1 Foster and maintain a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, as contained in Section 32 of the Constitution of the Republic of South Africa; and

1.1.2 Actively promote a society in which the people of South Africa have effective access to information, in order to cultivate the full exercise and protection of their rights.

1.2 Pursuant to Section 51 of **PAIA**, all private bodies are required to compile a manual, for purposes of compliance in respect thereof.

1.3 Reference to, and inclusion of, any information herein, in addition to the information, which is specifically required in terms of Section 51 of **PAIA**, does not have the effect of creating any rights or entitlements to receive such information, unless it is so prescribed in terms of **PAIA**.

1.4 **PAIA** gives any person who seeks access to a record of a private or public body (hereinafter referred to as a "**REQUESTER**"), a right to lodge a request for access to the information officer of a public or private body.

1.5 **PAIA** provides that requests for access to a company's prescribed information may be made to the company, and that the company is obliged

to make such information available, subject to applicable legislative and/or regulatory requirements, unless such information is prohibited from release, in terms of PAIA.

2. COMPANY INTRODUCTION

2.1 SMA Solar Technology South Africa (Pty) Ltd with registration number 2011/132482/07 (hereinafter referred to as the "**COMPANY**") is a private company duly incorporated and registered in South Africa in accordance with the provisions of the Companies Act 71 of 2008, as amended, with its registered office at The Boulevard Office Park, Block F, Ground Floor, Searle Street, Woodstock, Cape Town, 7925.

2.2 The **COMPANY** is involved in the supply and servicing of reliable photovoltaic inverters, offers sophisticated solutions for utility-scale, commercial, residential, off-grid and fuel save applications and the **COMPANY'S** technology has been implemented in various flagship projects throughout Africa.

2.3 This manual of the **COMPANY** is available for viewing at its premises situated at The Boulevard Office Park, Block F, Ground Floor, Searle Street, Woodstock, Cape Town, 7925, as well as on the **COMPANY'S** website at <https://www.sma-mea.com/>.

3. CONTACT DETAILS (SECTION 51(1)(a))

3.1 Director:

3.1.1 Mr Thorsten Ronge.

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3.2 Contact:

3.2.1 Postal Address: The Boulevard Office Park, Block F, Ground Floor,
Searle Street, Woodstock, Cape Town, 7925.

3.2.2 Street Address: The Boulevard Office Park, Block F, Ground Floor
Searle Street, Woodstock, Cape Town, 7925.

3.2.3 Telephone Number: +27 21 826 0600

3.2.4 Email Address: Info@SMA-South-Africa.com.

4. **THE GUIDE AS REFERRED TO IN SECTION 10 OF THE ACT (SECTION
51(1)(b))**

4.1 The South African Human Rights Commission has compiled a Guide, as is
required in terms of Section 10 of **PAIA**, which contains information
reasonably required by a person wishing to exercise any rights
contemplated in **PAIA**, such as:

4.1.1 How to use **PAIA**;

4.1.2 The objective of **PAIA**;

4.1.3 Particulars of all public and private bodies;

4.1.4 The manner and form of requests;

4.1.5 The assistance available from the South African Human Rights
Commission in terms of **PAIA**; and

- 4.1.6 The regulations which have been publicised in terms of **PAIA**.
- 4.2 **PAIA** grants a **REQUESTER** access to records of a private body, if the record is required for the exercise or protection of any rights of its/his/hers. If a public body lodges a request, the public body must be acting in the public interest.
- 4.3 Requests in terms of **PAIA** shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 7 and 8 of this Manual.
- 4.4 Requesters are referred to the Guide in terms of section 10 of **PAIA**, which has been compiled by the South African Human Rights Commission, which will contain information for the purpose of exercising constitutional rights.
- 4.5 Access to the Guide may be obtained on the South African Human Rights Commission's website at www.sahrc.org.za.
- 4.6 The contact details of the South African Human Rights Commission are:
- 4.6.1 Postal Address: Private Bag 2700, Houghton, 2041
- 4.6.2 Telephone Number: +27-11-877 3600
- 4.6.3 Fax Number: +27-11-403 0625
- 4.6.4 E-mail: PAIA@sahrc.org.za
- 4.6.5 Website: www.sahrc.org.za

5. **SECTION 52(2) NOTICE (SECTION 51(1)(c))**

5.1 At this stage, no notices have been published on the categories of records that are automatically available, without a person having to request access in terms of the Act.

6. **INFORMATION/DOCUMENTATION HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))**

6.1 Certain records of the **COMPANY** are available in terms of legislation other than **PAIA**. The specific records, which are available in terms of such legislation, are set out therein and these records may in certain instances on be accessed by the persons specified in the relevant legislation.

6.2 Accordingly, information is available in terms of the following legislation, if and where applicable:

Item Number	Legislation
1	Companies Act 71 of 2008, as amended.
2	Copyright Act 98 of 1978, as amended.
3	Employment Equity Act 55 of 1998, as amended.
4	Income Tax Act 95 of 1967, as amended.
5	Labour Relations Act 66 of 1995, as amended.
6	Basic Conditions of Employment Act 75 of 1997, as amended

7	Value Added Tax Act 89 of 1991, as amended.
9	Protection of Personal Information Act 4 of 2013, as amended.
10	Unemployment Insurance Act 30 of 1996, as amended.
11	Electronic Communications and Transactions Act 25 of 2002, as amended
12	Compensation of Occupational Injuries and Diseases Act 130 of 1993, as amended
13	Consumer Protection Act 68 of 2008, as amended.
14	Tax Administration Act 28 of 2011, as amended.
15	Financial Intelligence Centre Act 38 of 2001, as amended.
16	Competition Act 71 of 2008, as amended.

6.3 The above is not an exhaustive list of the **COMPANY'S** applicable statutes, which may require the keeping of records.

7. FORM OF REQUEST (SECTION 51(1)(e))

7.1 To facilitate the processing of your request for access to a record, kindly:

- 7.2 Use the prescribed form (Form C), which form is also annexed hereto, marked Annexure "A", and available on the website of the South African Human Rights Commission at www.sahrc.org.za.
- 7.3 Address your request to the Head of the **COMPANY**.
- 7.4 Provide sufficient details to enable the **COMPANY** to identify:
- 7.4.1 The record(s) requested;
 - 7.4.2 The **REQUESTER** (and if an agent is lodging the request, proof of capacity);
 - 7.4.3 The form of access which is required;
 - 7.4.4 The postal address or fax number of the **REQUESTER** in the Republic of South Africa;
 - 7.4.5 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;
 - 7.4.6 If the **REQUESTER** wishes to be informed of the decision in any manner (in addition to written decision), the manner and particulars thereof;
 - 7.4.7 If the request is made on behalf of a person, to furnish proof of the capacity in which the **REQUESTER** makes such request, to the satisfaction of the **COMPANY'S** Head.



7.5 The **COMPANY** may, and must in certain instances, refuse access to records on any of the grounds set out in Part 3 of Chapter 4 of **PAIA**, which instances include, but are not limited to, the following:

7.5.1 That access would have the effect of unreasonably disclosing personal information about a third party;

7.5.2 The necessity of protecting the confidential information of a third party;

7.5.3 The necessity of protecting the safety of individuals and protecting property;

7.5.4 That the record constitutes privileged information of a third party, or the **COMPANY** itself; and

7.5.5 Professional privilege.

7.6 The **COMPANY** will make a decision in relation to a request for a record within 30 (Thirty) days from the date of receipt of the request, unless third parties are required to be notified or the 30 (Thirty) day period is extended as provided for in **PAIA**. The **COMPANY** will notify the **REQUESTER** accordingly.

7.7 Where a request is refused, the **COMPANY** has no internal appeal procedures and the decision of the head of the **COMPANY** is final and binding. Notwithstanding the aforementioned, external remedies may be available to the **REQUESTER**, such as:

7.7.1 The **REQUESTER** may apply to Court within 30 (Thirty) days from the date of refusal of the request, for an order compelling the record, or records, requested to be made available; or

7.7.2 The **REQUESTER** may apply to Court within 30 (Thirty) days from the date of refusal of the request, for another appropriate order.

7.7.3 Whereafter, the Court will determine whether the records are required to be made available or not.

7.8 Additionally, the **COMPANY** holds records pertaining to certain subjects. The below table provides an indication of the subjects, on which the **COMPANY** holds records, as well as the categories of records held on each subject.

SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS.	CATEGORIES OF RECORDS HELD ON EACH SUBJECT.
Accounting Records	Accounts, invoices, reconciliations, credit/debit notes, journals, annual financial statements, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs and cash flow statements
Publications	Updates, newsletters, COMPANY information, product information and other publications prepared by the COMPANY .



Taxation Records	Pay as you earn records, documents issued to employees pertaining to income tax, records of payments to SARS on behalf of employees, COMPANY Tax Returns, COMPANY VAT records, Unemployment Insurance Fund Records
Administration Records	Minutes of meetings of the COMPANY , general correspondence, lease agreements, copies and correspondence relating to various insurance policies, salary work-papers, security systems and operational records.
Human Resources Records	Contracts of employment, disciplinary records, leave records, remuneration records, conditions of employment, job specifications, performance evaluations, personnel files, records provided by third parties relating to personnel, documents relating to disciplinary and grievance procedures and all employment applications.
Marketing	Content for the COMPANY'S website, customer records, databases, product records mailing

	lists for clients and potential clients and general correspondence.
Information Technology	The network and the systems on it.

8. OTHER PRESCRIBED INFORMATION (SECTION 51(1)(f))

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

8.1.1 A **REQUESTER** is required to pay the prescribed fees (R50.00) before a request will be processed;

8.1.2 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);

8.1.3 A **REQUESTER** may lodge an application with a court against the tender/payment of the request fee and/or deposit;

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

8.1.5 Payments should be made to the **COMPANY**.

8.2 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za, and is attached hereto marked Annexure "B".

9. AVAILABILITY OF THE MANUAL (SECTION 51(1)(3))

9.1 This manual is available for inspection at the offices of the COMPANY during office hours and free of charge and copies are available on the COMPANY'S website.

Signed at Woodstock on this the 22nd day of October 2019


COMPANY'S HEAD
Duly authorised

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access 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 to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
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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 the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the 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* (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.	YES	NO
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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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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R

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041

ANNEXURE 'B'



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA
In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R10
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

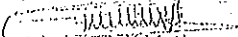
Private Bodies:

- Copy per A4 page – R1,10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R30
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,


Advocate L.R. Musshwana

Chair of the South African Human Rights Commission

Transmitted by Secretary, Reception Centre

Chairperson: M. Madisa, Deputy Chairperson: P. Govender, Commissioners: L. Mokhele, B. Matang, J. Langa, O. Thabo
Chief Executive Officer: K. A. M. M. M.

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