

# PAIA MANUAL

Ziyanda Energy (Pty) Ltd

Prepared in terms of section 51 of the  
Promotion of Access to Information Act  
2 of 2000 (as Amended)

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## 1. ACRONYMS AND ABBREVIATIONS

“CEO” – Chief Executive Officer

“Companies Act” – Companies Act 71 of 2008 (as Amended)

“IO” – Information Officer

“PAIA” – Promotion of Access to Information Act No. 2 of 2000 (as Amended)

“POPIA” – Protection of Personal Information Act No.4 of 2013

“Regulator” – Information Regulator

“Republic” – Republic of South Africa

“The Company/We/Us/Our” – Ziyanda Energy (Pty) Ltd

“Data Subject/You/Your” – Natural or juristic person of whom we process personal information

## 2. CONTACT DETAILS OF THE COMPANY

### 2.1. Chief Information Officer

Name: Sibongile Mdluli

Tel: +27 (0)12 433 6550

Email: info [at] ziyandaenergy [dot] co [dot] za

### 2.2. National or Head Office

Postal Address: P.O. Box 73044, Lynnwood Ridge, Pretoria, 0040, South Africa

Physical Address: 3rd Floor, Steven House, Brooklyn Bridge Office Park,  
570 Fehrsen Street, Pretoria, Gauteng Province, 0181, South Africa

Telephone: +27 (0)12 433 6550

Email: info [at] ziyandaenergy [dot] co [dot] za

Website: <https://www.ziyandaenergy.co.za>

## 3. GUIDE ON HOW TO USE PAIA

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Guide can be obtained upon request to the Company’s IO, or from the website of the Regulator, <https://inforegulator.org.za>

## 4. RECORDS HELD BY THE COMPANY

### 4.1. Records which are freely available

The Company’s website, PAIA Manual and general promotional material are freely available.

### 4.2. Records available in accordance with other legislation

The Company holds certain records in accordance with legislation (as Amended) which may apply, including but not limited to –

Administration of Estates Act, 66 of 1965  
Alienation of Land Act, 68 of 1981  
Basic Conditions of Employment Act, 75 of 1997  
Broad Based Black Economic Empowerment Act, 53 of 2003  
Compensation for Occupational Injuries and Diseases Act, 130 of 1993  
Competition Act, 89 of 1998  
Competition Amendment Act, 32 of 2005  
Constitution of the Republic of South Africa Act, 108 of 1996  
Consumer Protection Act, 68 of 2008  
Copyright Act, 98 of 1978  
Customs and Excise Act, 91 of 1964  
Electronic Communications and Transactions Act, 25 of 2002  
Employment Equity Act, 55 of 1998  
Employment Equity Amendment Act, 47 of 2013  
Environment Conservation Act, 73 of 1989  
Finance Act, 2 of 2007  
Financial Advisory and Intermediary Services Act, 37 of 2002  
Formalities in respect of Lease of Land Act, 18 of 1969  
Income Tax Act, 58 of 1962  
Insolvency Act, 24 of 1936  
Institution of Legal Proceedings against certain Organs of State Act, 40 of 2002  
Labour Relations Act, 66 of 1995  
Labour Relations Amendment Act, 6 of 2014  
National Building Regulations and Building Standards Act, 103 of 1977  
National Credit Act, 34 of 2005  
National Environmental Management Act, 107 of 1998  
National Road Traffic Act, 93 of 1996  
Occupational Health and Safety Act, 85 of 1993  
Pension Funds Act, 24 of 1956  
Preferential Procurement Policy Framework Act, 5 of 2000  
Prevention and Combating of Corrupt Activities Act, 12 of 2004  
Prevention from Illegal Eviction from and unlawful occupation of Land Act, 19 of 1998  
Prevention of Organised Crime Act, 121 of 1998  
Promotion of Access to Information Act, 2 of 2000  
Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000  
Protected Disclosures Act, 26 of 2000  
Protection of Personal Information Act, 4 of 2013  
Regulation of Interception of Communications and Communication Related Act, 70 of 2002  
Skills Development Act, 97 of 1998  
Skills Development Levies Act, 9 of 1999  
Spatial Planning and Land Use Management Act, 16 of 2013  
Subdivision of Agricultural Land Act, 70 of 1970  
Tax Administration Act, 28 of 2011  
Trade Marks Act, 194 of 1993  
Unemployment Insurance Act, 63 of 2001  
Unemployment Insurance Contributions Act, 4 of 2002  
Value Added Tax Act, 89 of 1991

### 4.3. Categories of records held under subjects

Records held by the Company may include, but are not limited to –

#### Companies Act records:

- Documents of incorporation
- Memorandum of Incorporation, as amended (if applicable)
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors, auditors, public officer and other officers
- Share Register and other statutory registers

#### Financial records:

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Asset Register
- Rental Agreements
- Invoices and proof of payments

#### Income tax records:

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- VAT
- Skills Development Levies
- UIF
- Workmen's Compensation

#### Employees documents and records:

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records (if applicable)
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Codes of Conduct
- Leave records
- Training records
- Personal records provided by employees

#### B-BBEE Records:

- B-BBEE annual compliance report
- B-BBEE certificate

## 5. PROCESSING OF PERSONAL INFORMATION

### 5.1. Purpose of Processing Personal Information

To provide services as authorised by you, including contractual relationships, your identification and verification, invoicing, for security and fraud prevention, to comply with law, to keep a record of your interaction with us, and to conduct recruitment including referrals and hiring processes; to enforce or defend our rights; and to prevent, detect or investigate crime (upon reasonable suspicion).

### 5.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

#### **Customers/Clients – Natural Persons (including members of juristic entities):**

Identity data – form of address, first names, last name, username (or similar), academic qualifications, identity number, date of birth, nationality, language, marital status, employment status, functions within employment, gender, ethnicity, legal status, copies of identity documents, images of signatures, curriculum vitae, photographs, confidential correspondence.

Contact data – email addresses; residential, workplace, postal, billing and delivery addresses; phone and mobile numbers, fax numbers.

Financial data – bank account details, insurance data, property data, financial statements.

Service data – the nature of your relationship with us, and a record of your interaction with us.

Security data – any records of your access to our offices, and CCTV footage of you on or near our premises.

#### **Customers/Clients – Juristic Persons/Entities:**

Name of legal entity, registration number, names of contact persons, physical and postal address, contact details, financial information, founding documents, tax related information, authorised signatories, images of signatures, beneficiaries, ultimate beneficial owners, confidential correspondence.

#### **Employees:**

Form of address, first names, last name, username (or similar), academic qualifications, email addresses; residential address, workplace address, postal address, phone and mobile numbers, fax numbers, regulatory identifiers, identity number, date of birth, nationality, language, marital status, employment status and history, functions within employment, professional affiliation and references, gender, ethnicity, legal status, copies of identity documents, images of signatures, curriculum vitae, photographs, confidential correspondence, personal records provided by employees, employment history and references, banking and financial details, insurance data, property data, details of payments to third parties (deductions from salary), employment contracts, employment equity plans, medical aid records, pension fund records, salary records, performance appraisals, disciplinary records, leave records, training records, criminal behaviour and/or criminal records, well-being, physical or mental health, disability, next of kin, trade union membership, external commercial interests, security records of your access to our offices, and CCTV footage of you on or near our premises.

#### **Corporate:**

Shareholders, directors.

**Suppliers, other businesses:**

Name and contact details, registration number, VAT numbers, address, trade secrets, directors' information, banking and financial information, information about products or services, any other information reasonably required to be processed for business operations, payment beneficiaries, bank account details, tax certificates, professional curriculum vitae, B-BBEE certificates, authorised signatories, images of signatures, ultimate beneficial owners, confidential correspondence.

**5.3. The recipients or categories of recipients to whom the personal information may be supplied**

We may disclose your information, without notification, to these potential recipients, only to the extent necessary for them to do their work: Our own trained employees, all of whom that handle personal data having signed non-disclosure and confidentiality agreements;  
Service providers and business partners who perform certain activities on our behalf, all of whom having equivalent confidentiality and privacy policies, or having signed our non-disclosure and confidentiality agreements;  
The South African Police Services; regulatory and governmental authorities, including tax authorities; third party verification agencies and credit bureaus; collection agencies; banks and other financial institutions.

We do not give your information to anyone outside our Company unless one or more of the following apply: You have authorised disclosure of specific information to a specific recipient; to fulfil legal, regulatory, compliance, and personal safety requirements; to enforce or defend our rights; to facilitate a confidential alternative dispute resolution process; to prevent, detect or investigate crime (upon reasonable suspicion).

**5.4. Transborder flows of personal information**

While we do not need to store personal data in foreign countries (and will avoid it), for legal purposes we must still assert our right to do so, provided these countries have laws substantially similar to the POPIA of South Africa. Our messaging platforms accounts and our social media accounts are obviously stored internationally.

**5.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

We skilfully safeguard your personal data from loss, misuse, unauthorized access or disclosure, alteration, or destruction. All such data including our own, share the same technical and organisational security measures. These include hardware and software firewalls, logical and physical access control, up-to-date operating systems and anti-virus software, secure adjustment of hardware and software, and information security policies. We shall however not be liable for any loss or damage resulting from disclosure of your information, if outside our reasonable control. No transmission over the internet or data storage technology is 100% impenetrable. Subject to legislation, we delete or destroy your data as soon as its processing is no longer necessary for the specific, valid and legal purpose for which it was collected.

## **6. AVAILABILITY AND UPDATE OF THE MANUAL**

A copy of the Manual is available on [www.ziyandaenergy.co.za](http://www.ziyandaenergy.co.za) ; to any person upon request and upon the payment of a reasonable prescribed fee ; and to the Information Regulator upon request. We will on a regular basis update this Manual.

## **7. FORM OF REQUEST**

The requester may request access to a record in writing to our address or email address as given in this Manual.

The requester must provide sufficient detail on the request form to enable us to identify the record and the requester.

The requester must indicate which form of access is required.

The requester must identify the right that is to be exercised or protected, and provide an explanation of why the requested record is required for the protection or exercise of that right. If, in addition to a written reply from us, the requester wishes to be informed of a decision in respect of the request, the requester must provide us with the manner in which this response is to take place and the relevant contact details.

If the 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 our satisfaction.

## **8. PRESCRIBED FEES**

A requester that seeks access to a record containing personal information about the requester is not required to pay the request fee.

Any other requester is required to pay the prescribed fee of R50.00 before a request may be processed.

If the preparation of the record requested requires more than the prescribed hours (six hours), a deposit shall be paid to our Company (the deposit shall not be more than one third of the access fee which would be payable if the request were granted).

The cost of the paper, photocopy, USB flash drive or other method of communicating the requested record will be borne by the requester in accordance with the fee structure as set out in the Act.

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

Records may be withheld by us until the appropriate fees have been paid.

## **9. PRESCRIBED FORM**

The standard Fee Schedule and Request Form can be downloaded from <https://inforegulator.org.za/paia-forms/>

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