

**PAIA MANUAL FOR RED CAP KOUGA WIND FARM (RF) PROPRIETARY LIMITED**  
**Registration number 2010/017030/07**

in accordance with Section 51 of the Promotion of Access to Information Act No 2 of 2000

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**A. THE MANUAL**

This manual is drafted to assist potential requesters with making an application for access to information or documents from Red Cap Kouga Wind Farm (RF) Pty Limited ("Red Cap Kouga Wind Farm")

The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.

A requester must contact the correct Information Officer as stipulated below, should s/he require any assistance in respect of the use of this manual, and/or when requesting documents and/or information from Red Cap Kouga Wind Farm in terms of the manual.

The following words in this manual mean:-

"the Act" means the Promotion of Access to Information Act, No 2 of 2000, together with all relevant regulations.

"the/this manual" means this manual together with all annexures thereto as available at the head office of Red Cap Kouga Wind Farm.

"Red Cap Kouga Wind Farm " means Red Cap Kouga Wind Farm (RF) Proprietary Limited, and its subsidiaries from time to time.

"SAHRC" means the South African Human Rights Commission.

## **B. INTRODUCTION TO RED CAP KOUGA WIND FARM**

Red Cap Kouga Wind Farm is a wind farm providing renewable energy to the Department of Energy.

Red Cap Kouga Wind Farm is a private body as defined in the Act.

## **C. PARTICULARS IN TERMS OF THE MANUAL**

### **1. Contact details of Information Officers**

Managing Director : Chris Els

Information Officer : Kate Warner

Street Address: Unit B4, Mainstream Shopping Centre, Hout Bay, 7806

Postal Address: Unit B4, Mainstream Shopping Centre, Hout Bay, 7806

Telephone: + 27 21 790 3727

Website: [www.kougawindfarm.co.za](http://www.kougawindfarm.co.za)

E-mail: [kate@kougawindfarm.co.za](mailto:kate@kougawindfarm.co.za)

### **2. A guide to the Act**

In terms of section 10 of the Act, the SAHRC is required to compile, in each official language, a guide to the Act, to assist people in exercising their rights under the Act. This guide is available from the SAHRC. The SAHRC may be contacted at:

*The South African Human Rights Commission (SAHRC): PAIA Unit*

*The Research and Documentation Department*

Postal address Private Bag 2700 , Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### **3. Records available in terms of other legislation**

Red Cap Kouga Wind Farm keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list): -

- Basic Conditions of Employment No.75 of 1997
- Companies Act No. 61 of 1973
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- Consumer Protection Act No. 68 of 2008
- Credit Agreements Act No. 75 of 1980
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 Of 1962;

- Labour Relations Act 66 of 1995;
- Promotion of Access to Information Act No. 2 of 2000
- Skills Development Act 97 of 1997;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

## **Subjects and Categories of Records Held by Red Cap Kouga Wind Farm**

### **Companies Act Records**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

### **Financial Records**

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
  - Bank Statements
  - Paid Cheques
  - Electronic banking records
- Fixed Asset Register
- Lease Agreements
- Invoices

### **Income Tax Records**

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees

- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

#### **Personnel Documents and Records**

- Employment contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- SETA records
- Leave records
- Training records
- HR Policy and Procedures

#### **4. Gaining access to records held by Red Cap Kouga Wind Farm**

Requests for records in respect of Red Cap Kouga Wind Farm must be forwarded to the following Information Officer:

**Kate Warner**

Street Address: Unit B4, Mainstream Shopping Centre, Hout Bay, 7806

Postal Address: Unit B4, Mainstream Shopping Centre, Hout Bay, 7806

Telephone: + 27 21 790 3727

Website: [www.kougawindfarm.co.za](http://www.kougawindfarm.co.za)

E-mail: [kate@kougawindfarm.co.za](mailto:kate@kougawindfarm.co.za)

To request records, the following procedures must be followed:

- The requester must complete Form C and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address

- The form must:
  - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
  - indicate which form of access is required,
  - specify a postal address or fax number of the requester in the Republic,
  - identify the right that the requester is seeking to exercise or protect,
  - and provide an explanation of why the requested record is required for the exercise or protection of that right,
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

#### **5. Other information as may be prescribed by the Minister**

The Minister may publish a notice prescribing any other information that companies will have to disclose.

#### **6. Availability of the manual**

This manual is available for inspection during office hours, at no cost, at Red Cap Kouga Wind Farm head office, situated at Unit B4, Mainstream Shopping Centre, Hout Bay, 7806.

A copy of this manual, or part thereof, can be obtained from either:

- our head office, at the prescribed fee as set out in Item 1 of Part III of the Fee Schedule; or
- the South African Human Rights Commission, whose details are set out in 2 above; or
- the Government Gazette (the Government Printers); or
- our website at [www.kougawindfarm.co.za](http://www.kougawindfarm.co.za)

#### **7. Prescribed fees**

- Once a request is made, we will send notice to the requester to pay the prescribed fee of R50.00.
- This prescribed fee must be paid before a request will be processed.
- Payment of this fee is to be made as directed by the Information Officer.
- If a request is in a person's personal capacity, payment of the prescribed fee of R50.00 may not be required.
- The Information Officer will then make a decision in respect of your request and will notify you of his/her decision.
- Should a request be refused, the requester may lodge an application at court against the tender or payment of the requested fee as will be advised in the Notice to them.
- If a request is granted then the requester will have to pay a further access fee for the search, reproduction and preparation of the record as well as for any time,

which has exceeded the prescribed hours, to search and in order prepare the record for disclosure to them.

- The fees schedule can be downloaded from the Department of Justice website [www.doj.gov.za](http://www.doj.gov.za)

PAIA Manual updated December 2013 (K Warner)

# FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53(1) of the Promotion of Access to Information Act, 2000  
(Act No. 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 given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

## C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
----------------------------------------------------------------------------------------------------------------------------

Full names and surname:

Identity number:

## 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:
- 2 Reference number, if available:
- 3 Any further particulars of record:

## 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:

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

Disability:	Form in which record is required
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

### 1. If the record is in written or printed form:

	copy of record*		inspection of record
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### 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*
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### 3. If record consists of recorded words or information which can be reproduced in sound:

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	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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

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

## 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 .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE