

PAIA Manual

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**Prepared in terms of Section 51
of the Promotion of Access to Information Act 2 of 2000 (as
amended)**

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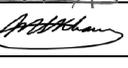
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1 List of Acronyms; Abbreviations and Definitions

1.1 “CEO”

- means the Chief Executive Officer.

1.2 “IO”

- means the Private Body’s Information Officer.

1.3 “Minister”

- means the Minister of Justice and Correctional Services as appointed from time to time.

1.4 “PAIA”

- means the Promotion of Access to Information Act No. 2 of 2000 (as amended from time to time).

1.5 “PAIA Manual”

- means this manual as prepared in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000.

1.6 “POPIA”

- means the Protection of Personal Information Act No.4 of 2013 (as amended from time to time).

1.7 “Private Body”

- shall mean the companies listed below, collectively or singularly as required in terms of this manual and information that is accessed accordingly:

1.7.1 Steinmüller Africa (Proprietary) Limited;

1.7.2 Bilfinger Intervale Africa (Proprietary) Limited; and

1.7.3 Bilfinger Power Africa (Proprietary) Limited.

1.7.4 All requests for records held by any of the companies above shall be dealt with by the IO of the Private Body.

1.8 “Regulator”

- means the Information Regulator as appointed from time to time; and

1.9 “Republic”

- means the Republic of South Africa.

2 The Purpose of The PAIA Manual

This PAIA Manual is useful for the public to:

2.1 Review the categories of records held by the Private Body and of which are available without a person having to submit a formal PAIA request.

2.2 Have sufficient understanding of how to make a request for access to a record of the Private Body, by providing a description of the subject/s on which the Private Body holds records and the

categories of the records held on each subject, as applicable.

- 2.3 Determine the records of the Private Body which are available in accordance with any other legislation.
- 2.4 Access all the relevant contact details of the IO and Deputy IOs who will assist the public with the records they intend to access.
- 2.5 Understand the description of the Guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.6 Determine if the Private Body will process any personal information, understand the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.7 Understand the description of the categories of data subjects and of the information and/or categories of information relating thereto.
- 2.8 Acknowledge the recipients or categories of recipients to whom the personal information may be provided to.
- 2.9 Determine if the Private Body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be provided.
- 2.10 Determine whether the Private Body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3 Key Contact Details

3.1 Private Body:

Physical Address: 45 De La Rey Road, Rivonia, Johannesburg, 2191

Postal Address: PO Box 1537, Rivonia, 2128

Tel number: +27 11 806 3000

Telefacsimile: +27 86 613 1965

Website: www.bilfinger.com

Email address: info.steinmuller@bilfinger.com;

info.intervolve@bilfinger.com

3.2 Heads of the Private Body - Steinmüller Africa (Proprietary) Limited:

3.2.1 Full Name: **Moso Bolofo**

Tel Number: +27 87 759-0913

Email Address: moso.bolofo@bilfinger.com

3.2.2 Full Name: Mohamed Khan

Tel Number: +27 87 759-0907

Email Address: mohamed.khan@bilfinger.com**3.2.3 Full Name: Melindie Saaiman**

Tel Number: +27 87 759-0984

Email Address: melindie.saaiman@bilfinger.com**3.3 Head of the Private Body - Bilfinger Intervolve Africa (Proprietary) Limited:****3.3.1 Full Name: Mohamed Khan**

Tel Number: +27 87 759-0907

Email Address: mohamed.khan@bilfinger.com**3.4 Head of the Private Body - Bilfinger Power Africa (Proprietary) Limited:****3.4.1 Full Name: Matti Jäkel**

Tel Number: +49 62 1459-2001

Email Address: matti.jaekel@bilfinger.com**3.5 Information Officer****3.5.1 Full Name: Gail Evans**

Tel Number: +27 11 806 3000

Email Address: info.steinmuller@bilfinger.com**4 Guide on how to use PAIA and how to obtain access to the guide**

4.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("the Guide"), in an easily comprehensible form and manner, as may reasonably be required by any person who wishes to exercise a right contemplated in PAIA and POPIA.

4.2 The Guide is available in each of the official languages and in braille.

4.3 The Guide contains the description of-

4.3.1 The objects of PAIA and POPIA.

4.3.2 The postal and street address, phone and fax number and, if available, electronic mail address of

- The IO of every public body, and
- Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

4.3.3 The manner and form of a request for

- Access to a record of a public body contemplated in section 11(1) which provides that a

requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record, and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of PAIA; and

- Access to a record of a private body contemplated in section 50 (1) which provides that a requester must be given access to any record of a private body if that record is required for the exercise or protection of any rights; that person complies with the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of PAIA;

4.3.4 The assistance available from the IO of a public body in terms of PAIA and POPIA.

4.3.5 The assistance available from the Regulator in terms of PAIA and POPIA.

4.3.6 All remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:

- An internal appeal;
- A complaint to the Regulator; and
- An application with a court against a decision by the IO of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.

4.3.7 The provisions of sections 14 and 51 requiring that a public body and private body, respectively, compile a manual, and information on how to obtain access to a manual.

4.3.8 The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively.

4.3.9 The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access.

4.3.10 The regulations made in terms of section 92.

4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5 The Guide can also be obtained:

4.5.1 Upon request to the IO;

4.5.2 From the website of the Regulator (<https://inforegulator.org.za/paia/>).

4.6 A copy of the Guide is also available in the following official languages from the Private Body, for public inspection during normal office hours:

- 4.6.1 English;
- 4.6.2 Afrikaans;
- 4.6.3 isiZulu; and
- 4.6.4 SeSotho.

5 Categories of records which are available without a person having to request access

Category of Record	Type of Record	Availability
External Policies and Notices	PAIA Manual	Available on website: https://www.bilfinger.com/en/za/about-us/bilfinger-in-south-africa/downloads/
Compliance Certificates	ISO 14001:20215 ISO 45001:2023 ISO 3834-2 ISO 9001:2015 BEE Certificate	Available on website: https://www.bilfinger.com/en/za/about-us/bilfinger-in-south-africa/downloads/

6 Description of records which are available in accordance with any other legislation

Category of record	Applicable legislation
BPA - Memorandum of Incorporation	Companies Act 71 of 2008
SMA - Memorandum of Incorporation	Companies Act 71 of 2008
BIA - Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
General Privacy Notice	The Protection of Personal Information Act 4 of 2013
Privacy Notice (Access to Premises)	The Protection of Personal Information Act 4 of 2013

7 Description of the subjects on which the Private Body holds records and categories of records held on each subject

Subjects on which the body holds records	Categories of records
Finance	Annual Financial Statements; Accounting Records; Asset Registers; Banking Records; delivery notes; orders; invoices; statements; receipts; vouchers and bills of exchange.
Information Technology	Software licenses; programmes and

	related documentation.
Statutory Employee Records	Employees' names and occupations; remuneration paid; date of birth; employment equity plan; records of foreign employees; collective agreements; arbitration awards; determinations made in terms of the Wage Act; records of strikes; lockouts or protest action; disciplinary/grievance documents; tax returns of employees.
Pension and Retirement Funding Records	Pension fund rules; pension fund account records; minutes of meeting of trustees and members; actuarial valuation reports; contribution reports; and beneficiaries.
Annual Accounts Operational Information	Proposal strategy and reports; minutes of meetings; details of directors and share register; contracts with suppliers, contractors and clients; quality procedures; performance records; site records; and management reports.
Statutory Company Information	Certificate of incorporation; certificate of change of name (if any); memorandum and articles of association/memorandum of incorporation; certificate to commence business; minutes of board of directors' meetings; records relating to the appointment of directors/auditor/secretary/public officer and other officers; share registers and other statutory registers; shareholder agreements; and resolutions.
Agreements and Contracts	Material agreements concerning provision of services or/and materials; joint venture and partnership agreements; agreements with shareholders, officers or directors; acquisition and disposal documentation; agreements with sub-contractors and

	suppliers; warranty agreements; sale agreements; lease agreements; distributor, dealer or agency agreements; restraint agreements; agreements with governmental agencies; purchase or lease agreements; licensing for vehicle and construction equipment; and all commercial correspondence.
Taxation	Copies of all income tax returns and other tax returns and documents.
Legal	Complaints; pleadings; briefs and other documents pertaining to any actual, pending or threatened litigation; arbitration or investigation; settlement agreements; material licenses, permits and authorisations.
Insurance	Insurance policies; claim records; details of insurance coverages, limits and insurers.
Proposals	Products; markets; customers; brochures, newsletters; advertising materials; sales; domestic and export orders.
Engineering and Design	Design; specifications; statutory and other quality documents.
Environmental Health and Safety	Noise exposure records; water quality monitoring programme records; waste water assessment and monitoring records; records of waste water discharges; records of waste water storage and waste water disposal; employee medical surveillance records in respect of hazardous chemical substances; records investigation and tests in respect of hazardous chemicals and substances; records of risk assessments and monitoring results in respect of hazardous

	biological agents; safety management systems, data and audits; industrial hygiene programmes, data and audits; employees public health emergency action; permit licenses, approvals and registrations for operations of sites and business; emergency response plans; environmental impact assessments; environmental management programmes and systems; details of aqueous discharges; details of solid waste discharges; certification of lifting equipment; details of air emission discharges.
Intellectual Property	Patent documentation; trademarks, trade names and protected names; copyrights; 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; litigation and other disputes involving intellectual property.
Procurement	Vendor creation and supporting documents; vendor contracts and orders.

8 Processing of Personal Information

8.1 The Purpose of Processing Personal Information:

The Private Body processes personal information for several 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.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of data subjects	Personal information that may be processed
Customers / Clients	Name; address; registration numbers or identity numbers; employment status and bank details.
Service Providers / Subcontractors / Suppliers	Names; registration numbers; VAT numbers; addresses; trade secrets and banking details.
Employees	Name; residential address; identity numbers; tax income numbers; gender; race; and qualifications; employee contracts; incentive schemes; study loan schemes; disability scheme; funeral insurance scheme; group personal accident; wellness records and reports.

8.3 Planned transborder flows of personal information

8.3.1 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.

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

8.4.1 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.

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

8.5.1 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.

8.6 Storage, Retention and Destruction of Information:

8.6.1 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.

8.6.2 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.

8.6.3 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.

8.7 The Party to whom the Personal Information belongs (Data Subject) has the following rights:

8.7.1 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.

8.7.2 The right to rectification

- You have the right to ask us to update or rectify any inaccurate personal information.

8.7.3 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.

8.7.4 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.

8.7.5 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.

9 The request procedures

9.1 Form of Request:

- 9.1.1 A requester must use the prescribed form (Annexure "A" attached hereto) submitted together with the prescribed fee, if applicable.
- 9.1.2 The requester must submit the completed prescribed form to the IO at the address, fax number or electronic mail address of the Private Body.
- 9.1.3 The requester must provide sufficient detail on the request form to enable the IO 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 IO in any manner other than in writing.
- 9.1.4 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.
- 9.1.5 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 IO.

9.2 Fees:

- 9.2.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee (attached hereto as Annexure "B"). Every other requester, who is not a personal requester, must pay the required request fee.
- 9.2.2 The IO must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 9.2.3 The requester may lodge an application to court relating to the payment of the request fee.
- 9.2.4 After the IO 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.
- 9.2.5 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.

10 Availability of the Manual

10.1 A copy of the Manual is available

- 10.1.1 on our website: <https://www.bilfinger.com/en/za/about-us/bilfinger-in-south-africa/downloads/>
- 10.1.2 Private Body address under the name SMA for public inspection during normal business hours;
- 10.1.3 to any person upon request and upon the payment of a reasonable prescribed fee, as applicable in Annexure A; and

10.1.4 to the Information Regulator upon request.

10.1.5 A fee for a copy of the Manual, as contemplated in “Annexure B” of the PAIA Regulations, shall be payable per each A4-size photocopy made.

11 Updating of the Manual

11.1 The Information Officer of the Private Body will update this manual on a regular basis.

Issued by: _____

Gail Evans (Information Officer)

Head of Legal