



**PROMOTION OF ACCESS TO INFORMATION ACT
AND
PROTECTION OF PERSONAL INFORMATION ACT
MANUAL OF
ESKOM HOLDINGS SOC LTD (“ESKOM”)**

Prepared in accordance with Section 14 of the Promotion of Access to Information Act 2 of 2000 and to address the requirements of the Protection of Personal Information Act 4 of 2013

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FOREWORD

As a model corporate citizen, Eskom is fully behind the spirit and letter of the Promotion of Access to Information Act (“**PAIA**”) as well as the Protection of Personal Information Act 4 of 2013 (“**POPIA**”). Our policy is, as a minimum, to comply with all legislation, and we thus ensure that legislative requirements are incorporated into Eskom policies, procedures, and standards at all times.

INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 has been formulated to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information as enshrined in Section 32 of the Constitution of South Africa 1996.

The Act establishes voluntary and mandatory procedures to give effect to the constitutional right to information in a manner that enables persons to obtain records of public and private bodies as swiftly, inexpensively, and effortlessly as possible.

The Protection of Personal Information Act 4 of 2013 promotes the protection and privacy of personal information processed by public and private bodies and gives effect to the constitutional right to privacy and access to a person’s information held by the public or private body.

AVAILABILITY OF THIS MANUAL

This manual can be accessed on the Eskom website at www.eskom.co.za, by requesting a copy by email from the relevant deputy information officer, or it is readily available at Eskom’s Head Office.

Should you have any difficulty using this guide, do not hesitate to contact the relevant information officer/deputy information officer (see list below) most applicable to your request for assistance.

THE PURPOSE OF THIS MANUAL

The purpose of this manual is primarily to provide the procedure to access records held by Eskom and provide a description of personal information held by Eskom.

THE STRUCTURE AND FUNCTIONS OF ESKOM

Major products and services

Eskom is a vertically integrated operation that generates, transmits and distributes electricity.

Eskom generates 95% of the electricity used in South Africa.

Eskom Enterprises, the wholly-owned subsidiary of Eskom, together with its subsidiaries, serves as a means by which all the non-regulated activities of Eskom, both inside and outside South Africa, are carried out. Eskom Enterprises’ core lines of business are infrastructure development,

energy business operations, specialised energy services and the pursuit of key opportunities in related or strategic businesses, such as information technology and telecommunications.

Countries in which operations are located

The operations of Eskom are located in South Africa. Eskom Enterprises, a subsidiary of Eskom, has operations on the African continent, with its head office located in Johannesburg, South Africa, and offices in Uganda.

Ownership

The ownership of Eskom vests in the South African government.

Nature of markets and customers served

Electricity is sold to industrial, mining, commercial, agricultural, and residential customers and redistributors.

Breakdown of sales by country/region

The majority of the sales are in South Africa, with only a small percentage of sales in the southern African region.

Additional information on economic, environmental, and social aspects

Eskom is committed to aligning itself with international sustainability reporting initiatives. Further environmental and social information is available on the Eskom website.

STAKEHOLDER REPRESENTATION AND CONSULTATION ON POLICY AND EXERCISE OF POWERS

Eskom regards stakeholders as important to its business and values their input and feedback. Eskom interacts with its stakeholders by participating in forums and committees with organised labour and interacting with its customers and investors. Government guides policy within Eskom, particularly the Department of Mineral and Energy Affairs (DME), the Department of Public Enterprises (DPE) and the National Energy Regulator of South Africa (NERSA). Information gathered from all groups is used to determine policy within Eskom.

Participative structures with organised labour

Eskom has established appropriate participative structures with organised labour to ensure that employees can influence decisions that affect them meaningfully. The process of influencing decisions includes, but is not limited to, mechanisms for consultation and information sharing. Decisions are influenced through various forums with organised labour, such as the Business Unit Forum (BUF), the Group Forum, the Central Consultative Forum (CCF), the Central Bargaining Forum (DBF), the Strategic Forum (SF), and the Restructuring Committee. These various committees and forums are described below:

The Business Unit Forum

A BUF consists of business unit (BU) management and BU part-time shop stewards. The part-time shop stewards may be assisted by full-time shop stewards at these meetings.

All BU-related matters are discussed at this forum. As far as possible, decisions are based on consensus. All relevant information is made available to all parties at the forum to facilitate discussions. Management reserves the right to make and implement decisions after the process of consultation has taken place. The trade unions reserve the right to declare a dispute if they are dissatisfied with a decision taken by management.

The Group Forum

The Group Forum operates in a way similar to that of the BUF, the difference is that the Group Forum handles issues with a group-wide impact. This forum follows the same principles as set out in the case of a BUF.

The Central Consultative Forum

The CCF is a forum for national consultation and information sharing. All matters that have an Eskom-wide impact are dealt with at this forum. All the principles that apply to the BUF and Group Forum also apply here.

The Central Bargaining Forum

This is a forum where bargaining of salaries and conditions of service occurs on an annual basis. Issues handled at this forum have an Eskom-wide impact and may not be handled at any other forum. If issues are raised by the CCF or BUF, they need to be referred to this forum.

The Strategic Forum

This is a forum where high-level strategic issues and issues of principle are debated. It, however, remains an information-sharing forum and may not be used as an appeal body for the other structures. Attendance at this forum is limited to senior members of management in both Eskom and the trade unions.

Restructuring Consultative Forum (RCF)

This is an Eskom structure but is chaired by a representative from the DPE. All restructuring matters are brought to the structure for consultation. Eskom-wide matters are introduced and consulted upon at this structure, and divisional matters are simply introduced, and further consultations take place at divisional level with periodic updates to the RCF.

Interaction with customers

Eskom values its customers and regularly communicates with them. Feedback is regularly obtained from our customers, and suggestions provide valuable input into our business.

Interaction with investors

Eskom communicates regularly with its investors, ensuring that they are informed of changes within Eskom and that regular roadshows are conducted around the country.

NERSA, DME, and DPE

With the restructuring of the Electricity Supply Industry, the NERSA will consider the alternative institutional and electricity market options available to allow competition and customer choice and therefore remove Eskom's monopoly in electricity generation. NERSA believes that it is important for our country to have a vision for the electricity supply industry so that we all will know the direction in which we are going. Change in the industry must be planned, phased, and ongoing. To ensure the success of the industry, the NERSA promotes the following developments:

- The establishment and operation of an effective and efficient rationalised, viable electricity supply industry
- Eliminating monopolies in the generation and distribution sectors
- Rationalising end-use prices and tariffs
- Giving customers the right to choose their electricity supplier
- Creating an electricity market
- Introducing competition into the industry, especially in the generation sector
- Addressing the impact of generation, transmission, and distribution on the environment
- Permitting open, non-discriminatory access to the transmission system
- Levelling the playing field between distributors of electricity
- Encouraging private sector participation in the industry

The DME greatly influences policy within Eskom. The department currently is directing the industry restructuring initiative specifically focusing on the electricity distribution industry (EDI) and the electricity supply industry (ESI) to enable independent power producers to enter the electricity generation market.

While the DME influences the structure of the organisation, the DPE influences its financial position in the marketplace and ensures effectiveness and efficiency through sound corporate governance.

RECORDS AUTOMATICALLY AVAILABLE

We hereby provide you with a list of records that are automatically available on our website www.eskom.co.za to requesters without a person having to request access in terms of the PAIA:

1. Company registration documents relating to Eskom Holdings SOC Ltd (held by CIPC are free)
2. Annual financial statements of Eskom Holdings SOC Ltd
3. Sustainability report of Eskom Holdings SOC Ltd

GUIDE TO REQUESTING INFORMATION FROM ESKOM

Relevant legislation can be accessed by clicking on the links in the right-hand column.	Promotion of Access to Information Act 2, 2000 Protection of Personal Information Act 4, 2013 https://www.justice.gov.za/infoereg/legal.html
Email: PAIA@eskom.co.za POPIA@eskom.co.za	Request Form Print Appeal Form Print
André de Ruyter – Group Chief Executive Officer	Eskom Holdings SOC Ltd Information Officer
Calib Cassim – Chief Financial Officer	Information Officer Delegate – Finance
Phillip Dukashe – Group Executive Generation	Information Officer Delegate – Generation
Segomoco Scheppers – Group Executive Transmission	Information Officer Delegate – Transmission
Monde Bala – Group Executive Distribution	Information Officer Delegate – Distribution
Bheki Nxumalo – Group Executive Group Capital	Information Officer Delegate – Group Capital
Elsie Pule – Group Executive Human Resources	Information Officer Delegate – Human Resources
Nerina Otto – Group Executive Legal and Compliance (Acting)	Information Officer Delegate – Legal and Compliance
Faith Burn – Chief Information Officer	Information Officer Delegate – Group Information Technology
Stephen Meyers – Chief Executive Eskom Rotek Industries (ERI)	Information Officer Delegate – ERI
Matthew Mflathelwa – General Manager Strategy and Planning	Information Officer Delegate – Strategy and Planning
Mlawuli Manjingolo – Eskom Company Secretary	Information Officer Delegate – Office of the Company Secretary
Vuyolwethu Tuku – General Manager Transformation Office	Information Officer Delegate – Transformation Management Office
Nthato Minyuku – General Manager Government and Stakeholder Relations	Information Officer Delegate – Government and Regulatory Affairs Division
Nida Gafoor – General Manager Assurance and Forensic	Information Officer Delegate – Assurance and Forensic
Andrew Etzinger – General Manager Risk and Sustainability	Information Officer Delegate – Risk and Sustainability
Jainthree Sankar – Chief Procurement Officer (Acting)	Information Officer Delegate – Chief Procurement Officer

Leocardia Kamanga	Deputy Information Officer Group Information Technology
Ureka Rangasamy	Deputy Information Officer – Assurance and Forensic
Nkele Kotelo	Deputy Information Officer – Human Resource
Brad Ross-Jones	Deputy Information Officer – Generation
Lungisa Magwentshu	Deputy Information Officer – Transmission
Hendrick Thwala	Deputy Information Officer – Distribution
Allison Beukes	Deputy Information Officer – Group Company Secretary
Angelique Anthony (PAIA)	Deputy Information Officer – Group Finance
Keshantha Chetty (POPIA)	Deputy Information Officer – Group Finance
Karen Pillay	Deputy Information Officer – Group Finance (Security)
Richard Vaughan	Deputy Information Officer – Group Finance (Treasury)
Amos Mboweni	Deputy Information Officer – Group Finance (Eskom Real Estate)
Portia Bame Vuyiwe Mbulawa	Deputy Information Officer – Group Commercial
Moleka Tshabalala	Deputy Information Officer – Legal and Compliance
Rene Travis	Deputy Information Officer – ERI
Lunga Njoli	Deputy Information Officer – ERI
Gilbert Smith	Deputy Information Officer – ERI
Fatima Laher	Deputy Information Officer – ERI
Mike de Bruyn	Deputy Information Officer – ERI
Arnold Schmidt	Deputy Information Officer – ERI
Contact details/Addresses	<p>Physical address: Eskom Megawatt Park Maxwell Drive Sunninghill Sandton</p> <p>Postal address: The Information Officer Eskom PO Box 1091 Johannesburg 2001</p>

PROCESS TO REQUEST INFORMATION

Requests for information can either be made online or alternatively

1. Print the formal request form also available on the webpage (additional copies may be obtained at one of the addresses below).
2. Fill in all the fields in the request form or rewrite the details in an email.
3. Send your request through to one of the following addresses above or to the email address: PAIA@eskom.co.za
4. Eskom will endeavour to reply within 30 days as to whether your information is accessible and how and where you may collect it.
5. In certain circumstances, you may be required to pay a fee to Eskom before the record that you have requested is made available to you. Only after you have paid the fee will Eskom commence searching for the required information.
6. After receipt of the payment, Eskom may disclose the record to you in the format that you have requested or in the format that the record exists unless the refusal of access to the records is permitted in terms of the PAIA.

Notes on the request procedures

1. Kindly note that it will assist us in fulfilling your request if you comply with the procedures set out in this document.
2. Therefore, you are encouraged to use the standard request form used by all public bodies when submitting your request.
3. Please also ensure that you indicate your capacity or designation within the organisation you work for to assist us in processing your request.
4. If you are requesting information on behalf of a third party, please indicate the capacity in which you are related to the individual or organisation and enclose your authorisation to act on behalf of such individual or organisation so that we do not deny access to you on the basis that the information is confidential to that party.
5. If you have a disability or if you are unable to read or write, please contact the applicable information officer/deputy information officer, who will assist you in completing your request, as well as sending you a written copy of the request.

REMEDIES AVAILABLE TO A REQUESTER

An internal appeal against a decision by Eskom to refuse access to information must be lodged within 60 days by completing the prescribed form attached herein.

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 20

Introduction

Eskom is committed to promoting the protection and confidentiality of the data subject's personal information when it is being processed by Eskom. This gives effect to the Protection of Personal Information Act 4 of 2013, which seeks to protect the constitutional right to data privacy.

Purpose of processing personal information

Eskom collects, uses, and stores personal information to process such information to the extent necessary to conduct its business operations.

Eskom will seek the consent of the data subject to process personal information, including further processing thereof except when concluding a contract with a data subject, or where required by law or when performing a public duty or function or where Eskom is exempted by the regulator.

Definitions

To understand the objective of POPIA, the reader is to take note of the POPIA definitions that will be used throughout this manual.

Data subject: means the identifiable living natural or existing juristic person to whom personal information relates. A list of Eskom's data subjects is set out in the table below.

Personal information: means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person;
- (b) information relating to the education or the medical, financial, criminal, or employment history of the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or another particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views, or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Special information: means the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information of a data subject, or the criminal behaviour of a data subject to the extent that such information relates to (i) the alleged commission of any offence by a data subject, or (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

Categories of data subjects and their Information

Eskom may process information of categories of persons such as employees, customers, suppliers, or any other third party ("herein referred to as data subjects") who engage with Eskom. The type of information that may be processed is contained below. Eskom may only collect, use, and store information that is adequate and relevant to conduct its business.

<u>Data subject</u>	<u>Types of information collected</u>	<u>Purpose for processing</u>
Customers Prepaid Small power users Large power users	Name, surname, ID number, telephone no., email address, company registration number, physical and postal address, metering details, banking details,	To conclude an electricity supply agreement; To render maintenance services to the customer; To connect customers to the grid
Suppliers/Tenderers	Statutory documents – Tax clearance, BBEE certificates, COIDA certificates, registration number of the company, name, race, gender, ethnic origin, ID number, telephone number, email address, physical address, membership or shareholders of the company Financial statements and banking details	Request for further information – to compile a supplier database (to determine the scope of work and whether suppliers exist in the market to provide such goods and services); Tenders – to collect information for purposes of evaluating, adjudicating and awarding a tender to a supplier and securing a supplier who can render a service to Eskom; Unsuccessful tenderers – to collect for purposes of evaluating and adjudicating the tender and retaining the information for purposes of an audit and if the aggrieved tenderer lays a complaint or institutes a legal action
<u>Employees</u>	Name, surname, ID number, banking details, medical information, detail of dependents, emergency information, residential and	To administer and manage employee relations

	postal address, tax reference number, qualification, gender, race, nationality, salaries and details of beneficiaries	
<u>Candidates for recruitment</u>	Name, surname, ID number, email address, telephone numbers, address, qualifications, number of dependents, pay-slips and/or psychometric assessments, verification, and reference checks	Vetting and evaluating candidates for recruitment purposes

How we collect personal information

We may collect personal information directly from the data subject, through an email portal, via our website, or from third parties.

Sharing of personal information

We may share your personal information where necessary with third-party operators to fulfil our business needs subject to the conclusion of an operator's agreement.

Mandatory disclosure of your personal information may be made to third parties as required by law.

Processing of special information

Eskom may not process personal information relating to race or ethnic origin, trade union membership, health or biometric information, or the criminal behaviour of a data subject unless:

- consented to by the data subject;
- required by law;
- for historical or research purposes; or
- the information is in the public domain.

Retention of personal information

Eskom may retain personal information records as long as it is necessary in accordance with applicable laws or for operational purposes as stated in Eskom's Retention Standard.

Eskom may retain information beyond the prescripts of the law for historical or statistical purposes.

Information quality and safety

Eskom takes appropriate and reasonable technical measures to secure the confidentiality, integrity, and quality of the data subject's information in accordance with its Information Security Policy to avoid the unauthorised access, loss, and destruction of such information.

Rights of the data subject

Access to personal information held by Eskom

The data subject has the right to confirm, free of charge, whether Eskom holds its personal information. You as a data subject also have the right to determine the type of information held by Eskom or a third party for a prescribed fee through the POPIA Office, which can be contacted at POPIA@eskom.co.za.

Correction and updating of personal information

Eskom will take reasonable steps to ensure that the personal information of a data subject is accurate and updated. However, the data subject has the right, free of charge, to correct, update, or delete its personal information, which may be inaccurate, misleading, out of date, or obtained unlawfully in the prescribed manner (**see Form 2 below**).

Objection to the processing of personal information

The data subject may object at any time on reasonable grounds to the processing of its personal information based on legitimate interest or the performance of a public law duty in a prescribed manner.

Furthermore, the data subject may object to direct marketing.

Withdrawal of consent

The data subject has the right to withdraw its consent at any time in accordance with Section 11(2)(b) provided that it does not affect the conclusion or the performance of the contract, the legitimate interest of Eskom, the data subject, or compliance with the requirements of the law.

Transfer of personal information

Eskom may not transfer, share, or store a data subject's personal information outside the Republic of South Africa unless required for its business needs and subject to the requirements of POPIA.

Complaints

As a data subject, you may lodge a complaint in accordance with Section 74 of POPIA to the regulator in relation to the alleged interference with protecting your personal information on the prescribed form attached below.

Alternatively, you can first send your complaint to the POPIA Office and submit your complaint to POPIA@eskom.co.za.

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 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 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:	
	Code ()
Contact number(s):	
Fax number/Email 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/Email address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

FORM 2

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 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.

Destroying or deletion of a record of personal information about the data subject in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE 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/Email 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/ Email address:	
C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person

FORM 5

COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 7]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided 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".

Complaint regarding:

Alleged interference with the protection of personal information

Determination of an adjudicator.

PART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act 4 of 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname/ Registered name of data subject:	
Unique identifier/Identity number:	
Residential, postal, or business address:	
	Code ()
Contact number(s):	
Fax number/ Email address :	

B	PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION
Name(s) and surname/ Registered name of responsible party:	
Residential, postal, or business address:	
	Code ()
Contact number(s):	
Fax number/ Email address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i>

PART II	COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname/ Registered name of data subject:	
Unique identifier/ Identity number:	
Residential, postal, or business address:	
	Code ()
Contact number(s):	
Fax number/ Email address:	
B	PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY
Name(s) and surname of adjudicator:	

Name(s) and surname of responsible party/ Registered name:	
Residential, postal, or business address:	
	Code ()
Contact number(s):	
Fax number/ Email address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person