



PowerOptimal (Pty) Ltd

PAIA MANUAL

V1.0

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, 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 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the 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 supplied; and
- 2.10 know whether the 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 FOR ACCESS TO INFORMATION OF POWEROPTIMAL (PTY) LTD

3.1. Chief Information Officer

Name: Richard Andrew Fearon
Tel: 083 377 8881
Email: richard.fearon@poweroptimal.com

3.2. Deputy Information Officer

Name: Francis Sean Moolman
Tel: 082 788 1615
Email: sean.moolman@poweroptimal.com

3.3 Access to information general contacts

Email: info@poweroptimal.com

3.4 National or Head Office

Postal Address: Postnet Suite 21, Private Bag X21, Tyger Valley, 7536

Physical Address: 88 12th Avenue, Kleinmond, 7195

Telephone: 071 021 4626

Email: info@poweroptimal.com

Website: <https://poweroptimal.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, 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.

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

4.3. The aforesaid 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-

4.3.2.1. the Information Officer of every public body, and

- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 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 in law available 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-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *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 this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15⁷ and 52⁸ 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 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 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 Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours-

4.6.1 English, Afrikaans and isiZulu

5. CATEGORIES OF RECORDS OF POWEROPTIMAL WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Product information including terms and conditions	Soft copy / website	X	X
Privacy policy	Soft copy / website	X	X
PAIA Manual and Guides	Soft copy / website	X	X

6. DESCRIPTION OF THE RECORDS OF POWEROPTIMAL WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

NB: Please specify all the records which are created and available in accordance with any of the South African legislation. Below is an example of the table that can be used in describing the records and applicable legislation.

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY POWEROPTIMAL

Subjects on which the body holds records	Categories of records
Accounting	Records relating to the account holder (customer transactions, invoices, payment information, contracts)
Management / governance	<ul style="list-style-type: none"> - Board meeting agendas and minutes - Budgets - Legal records not in the public domain - Internal policies, standards and procedures - Board & shareholder resolutions
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records - Employment contracts - Payroll & remuneration
Suppliers, customers and partners	<ul style="list-style-type: none"> - Contracts / agreements - Correspondence - Product usage data - Contact details

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

We only process limited and relevant personal information for the following purposes and legal bases:

- for any purpose of our customer agreements, including for example installation, delivery and payment of products and services, product training, registering warranties, claims, customer services, queries, complaints and the like;
- for purposes of loyalty programmes, promotional competitions or any other promotions or programmes we may offer in which customers may choose to participate;

- for purposes of our relationship with business partners such as insurers, retailers or homeowners associations who sell or promote our products in instances where the customer is a dual client or interested party in the products or services offered by us and these third parties. This may for example include sharing information on customer use of the products or service or sharing information for warranty purposes;
- to operate and manage customer applications, accounts or relationships with us, including through our digital platforms and to monitor all customer use of the digital platforms (including if customers access it through social media platform sign-ins), and use of our products and services;
- to deal with any instruction, request, enquiry or communication from customers;
- to share or disclose customer information with third parties as set out in this policy and for any reason relating to our purposes of processing. Note that this may also include customer suggestions, comments, feedback or any content that customers provide through social media sites or our digital platforms;
- to monitor and analyse our business to ensure that it is operating properly, for financial management and for business-development purposes;
- to contact customers by email, SMS, newsletter, push notifications, other forms of in-app notifications or harnessing other technologies (such as geo-location technology), through social media interaction or any other means to inform customers about our products or services which we believe customers may be interested in, unless customers opt out from marketing;
- as part of our service, to inform customers about approved third party suppliers that may assist customers with a required service related to our products;
- to form a view of our customers as individuals / juristic persons and to identify, develop or improve our digital platforms or product and service offerings;
- to carry out due diligence or other screening activities (including background checks) in accordance with legal or regulatory obligations applicable to us or our affiliates/associated companies, the requirements or guidelines of governmental authorities which we determine are applicable to us or our affiliates/associated companies, and/or our risk management procedures that may be required by law or that may have been put in place by us or our affiliates/associated companies;
- to carry out market research and surveys, business and statistical analysis and necessary audits;
- for purposes of suspected or actual fraud and prevention thereof;
- to perform other administrative and operational tasks like testing our processes, system, digital channels and security measures and reporting purposes;

- to comply with our regulatory, legal or other requirements or obligations, including disclosure of information in any legal proceedings, investigations or other relevant proceedings;
- to store, host and back up (whether for disaster recovery or otherwise) information, expressly including cloud storage, whether within or outside South Africa;
- for purposes of a business asset transaction or a potential business asset transaction, where such transaction involves PowerOptimal as a participant or involves only a related corporation or affiliated company of PowerOptimal as a participant or involves PowerOptimal and/or any one or more of PowerOptimal's related corporations or affiliated companies as participant(s), and there may be other third party organisations who are participants in such transaction. "business asset transaction" means the purchase, sale, lease, merger or amalgamation or any other acquisition, disposal or financing of an organisation or a portion of an organisation or of any of the business or assets of an organisation; and
- we may also use customers' personal information for other purposes if the law allows for it, the customers consent to it, or if it is in the public interest to do so. All purposes for the processing of customers' personal information will be legal in terms of POPI.

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, contact details, payment details, consent records, data relating to our services and device location, content and advertising data, views and opinions
Service Providers	names, registration number, vat numbers, address, trade secrets, contact details and bank details, payment details
Employees	address, qualifications, contact details, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

8.4 Planned transborder flows of personal information

PowerOptimal does transfer Personal Information of Data Subjects across the borders, including but not limited to countries in the European Union and the United States of America to achieve a defined purpose. The defined purposes include the i) achievement of its business functions, ii) provision of products and services that the customer has requested, iii) hosting or storage of some of its systems and infrastructure, and iv) data warehousing activities.

PowerOptimal will only engage in the cross-border transfer of information if one of the following conditions are met:

- The recipient is subject to existing legislation in his /her/it's country, a binding corporate or binding agreement that provides an adequate level of protection for the personal information that is substantially similar to the data protection laws applicable to South Africa;
- The Data Subject has consented to such cross-border transfer;
- The transfer is necessary for the conclusion and/or performance of a contract between PowerOptimal and the Data Subject;
- The transfer is necessary for the conclusion or performance of a contract entered into, in the interest of the Data Subject, between PowerOptimal and an Authorised Third Party;

- The transfer is to the benefit of the Data Subject and must take place in circumstances under which it is not reasonably possible to obtain the Data Subject's consent and if it were reasonably possible to obtain such consent, the Data Subject would be likely to give it.

The processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which it is held, and may be subject to disclosure to the Governments, Courts of law, Enforcement or Regulatory Agencies of such other country, pursuant to the laws of such country. However, where such disclosures are required, PowerOptimal will ensure the adequate protection of customers' Personal Information.

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

PowerOptimal Information Security Measures include:

- Firewall and network endpoint protection;
- Antivirus and Multifactor Authentication;
- Encryption and/or similar cryptographic technologies and techniques;
- Access control methodologies based on user roles and security clearance levels.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on poweroptimal.com;

9.1.2 head office of PowerOptimal for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of the prescribed fee of R140; and

9.1.4 to the Information Regulator upon request.

- 9.2 A fee of R2.00 per page or part thereof for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of PowerOptimal will on a regular basis update this manual.

Issued by



Richard Andrew Fearon

Chief Executive Officer