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GENERAL NOTICE

NOTICE 343 OF 2010

Department of Energy

**NATIONAL ENERGY ACT, 2008 (Act No 34 of 2008)
PROVISION OF ENERGY DATA REGULATIONS**

I, Dipuo Peters, Minister of Energy hereby, in terms of section 19(2), publish for public comment, the draft Regulations on the Provision of Energy Data under section 19(1) of the National Energy Act, 2008, in the Schedule.

Any person who wishes to submit written representations or comments in connection with the draft regulations are invited to do so between 23 April 2010 and 12h00 on 24 May 2010. All written representations and comments must be submitted in writing to the Director-General of the Department of Energy:

By post to: The Director-General: Energy
 Attention: Mr Jeff Subramoney
 Private Bag X 59
 Pretoria, 0001

Delivered to: The Department Energy
 Attention: Mr Jeff Subramoney
 Mineralia Centre
 234 Visagie Street
 PRETORIA

By fax to: 012 444 4507 and by e-mail to Jeff.Subramoney@dme.gov.za

Comments received after the closing date may not be considered.

Department of Energy

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**NATIONAL ENERGY ACT, 2008 (Act No 34 of 2008)
PROVISION OF ENERGY DATA REGULATIONS**

I, Dipuo Peters, Minister of Energy, in terms of section 19(2), publish for public comments, the draft Regulations on the Provision of Energy Data under section 19(1) of the National Energy Act, 2008, in the Schedule.

DRAFT

Schedule

Arrangement of Regulations

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DEFINITIONS

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and unless the context indicates otherwise -

“**Act**” means the National Energy Act, 2008(Act No.34 of 2008);

“**data decryption**” means conversion of codes into data;

“**data encryption**” means conversion of data into codes for security purposes;

“**department**” means the Department of Energy;

“**household**” means a group of persons who live together and provide themselves jointly with food and/or other essentials for living, or a single person who lives alone.

“**infrastructure**” means pipeline, rail, roads, ports, storage and electricity transmission and distribution;

“**metadata**” means data about data or a description of data;

“**minister**” means the Minister of Energy;

“**MoU**” means Memorandum of Understanding;

“**MSSI**” means Management System for Statistical Information, the initiative for the National Statistics System by Statistics South Africa;

“**NSS**” means National Statistics System;

“**primary energy carrier**” means energy commodities that are either extracted or captured directly from natural resources;

“**SASQAF**” means South African Statistical Quality Assessment Framework;

“**secondary energy carriers**” means energy commodities that are produced from primary commodities;

“**SIC**” means Standard Industrial Classification system used by StatsSA to classify economic activities of industries;

“**SLA**” means Service Level Agreement;

“**Statistics Act**” means the Statistics Act, 1999 (Act No. 6 of 1999);

“**StatsSA**” means Statistics South Africa;

“**transformation input**” means quantities of the fuels used for the manufacture of secondary fuel products and the fuels burnt to generate electricity and heat for sale.

APPLICATION OF THE REGULATIONS

2. These regulations shall-

- (1) apply to a provider of data according to the categories as defined in Regulation (4).
- (2) take effect from the date to be determined by the Minister.

OBJECTIVES OF THE REGULATIONS

3. The objectives of these Regulations are to-

- (1) enable the Department to effectively collect, collate and publish quality energy data and information;
- (2) provide for the type, manner and form of energy data and information that must be provided by any person; and
- (3) provide for the form and manner of the link between the energy database and information system to any other system within the public administration.

CLASSIFICATION OF DATA PROVIDERS

4. For purposes of these regulations, the providers of data are classified according to the following categories:

- (1) Category A, refers to an entity that carries an exploration licence related to exploration of natural resources and issued by the regulator in terms of the Mineral and Petroleum Resources Development Act, 2002(Act No. 28 of 2002).
- (2) Category B, refers to an entity that carries a licence issued in terms of the Mineral and Petroleum Resources Development Act, 2002(Act No 28 of 2002) or the Petroleum Products Act, 1977(Act No. 120 of 1977) to carry out the-
 - (a) production of primary energy carriers;
 - (b) mining of primary energy carriers; or
 - (c) import and export of primary energy carriers.

- (3) **Category C:** Refers to an entity that carries out-
- (a) electricity generation and carries a licence issued by the energy regulator in terms of the Electricity Regulation Act, 2006(Act No. 4 of 2006) or;
 - (b) petroleum production and carries a licence issued by the energy regulator in terms of the Petroleum Products Act, 2003(Act No. 58 of 2003) or;
 - (c) gas refining and carries a licence issued by the energy regulator in terms of the Gas Act, 2001(Act No. 48 of 2001).
- (4) **Category D:** Refers to an entity that distributes any form of energy in terms of a licence issued in terms of-
- (a) the National Electricity Regulator Act, 2004(Act No. 40 of 2004);
 - (b) the Petroleum Pipelines Act, 2003(Act No. 60 of 2003); or
 - (c) the Petroleum Products Act, 2003(Act No. 58 of 2003) or
 - (d) the Gas Act, 2001(Act No. 48 of 2001)
- (5) **Category E:** An industry association representing a collective of entities operating within the same industry.
- (6) **Category F:** End Users of energy:
- (b) entities which carry out activities that are classified according to SIC, or
 - (c) households.
- (7) **Category G:** Government Departments or Organs of State.

CLASSIFICATION OF DATA

5. For purposes of these regulations, the Department may request Institutions, Agencies, or Departments identified as potential sources of data to make energy data available to the Department -
- (1) as stipulated in Annexure A
 - (2) relating to the impact of their energy value chain on-
 - (a) Air Quality,
 - (b) Water supply and water availability,
 - (c) Waste management,
 - (d) Greenhouse Gases (GHG),

- (e) Emissions, and
 - (f) Temperature.
- (3) any other data related to energy.

PROVISION OF ENERGY DATA

6. For purposes of these regulations a data provider referred to in regulation 4(1) must submit information to the department in the following manner:
- (1) media such as CDs, DVDs and email or any other medium deemed to be appropriate.
 - (2) In addition to regulation 6(1) above, a data provider referred to in regulation 4(1) may also be required to submit data to the Department through:
 - (a) electronic data transfer module of the MSSI proposed by StatsSA or
 - (b) any mechanism agreed upon between the two institutions.
 - (3) Data providers must satisfy the confidentiality provisions as espoused in the legal agreement between entities/institutions/departments (e.g. MOU and/or SLA) regarding data exchange. These provisions are:
 - (a) electronic data exchange module must support encryption of data.
 - (b) if data exchange is facilitated by electronic media such as digital video discs (DVDs), compact discs (CDs), electronic mail (e-mail) etc, confidentiality must be ensured through application of passwords, digital certificates or any other security mechanism.
 - (c) the data exchange mechanism must satisfy any other requirement for data exchange as stated in the SASQAF document.
 - (4) Data provided/supplied must be aligned to meet all quality requirements (e.g. data must be accompanied by the metadata, concepts and definitions documents, etc).
 - (5) Data providers shall provide all data specified in this regulation following the adoption of these regulations, and shall transmit them from then onwards within the periodicities stipulated by the Department.

DATA SOURCING

7. For purposes of these regulations-

- (1) Data may be sourced from any of the following:
 - (a) Administrative records ,
 - (b) Registers,
 - (c) Surveys, or
 - (d) Any other appropriate and generally accepted source.
- (2) Data collection must be scientific and follow methodologically sound collection methods.
- (3) Where the type contemplated in regulation 7(1) is by means of standard forms, such forms must at a minimum specify the following in the metadata:
 - (a) the type of data to be provided;
 - (b) the definitions and classifications of variables for which data are provided as well as their formats;
 - (c) the reference period for which the data is being collected;
 - (d) the periodicity of data provision; and
 - (e) the date by which the data must be submitted to the Department.

STORAGE AND ACCESS CONTROL OF DATA

8. The Department shall store the data in a centralised electronic repository with strict access control.

DISSEMINATION OF STATISTICAL INFORMATION

9. For purposes of these regulations

- (1) Statistics to be disseminated shall be-
 - (a) compiled and documented in a scientific and transparent manner;
 - (b) objective;
 - (c) coherent and accessible;
 - (d) of high Integrity; and
 - (e) interpretable

-
- (2) Statistical information may only be published if it does not contravene the Promotion of Access to Information Act, 2000(Act No. 2 of 2000) and the confidentiality provisions of the Statistics Act (no 6 of 1999).
- (3) Statistical information to be disseminated will be made available by respondents herein referred to as natural and /or legal persons whose anonymity will be ensured by publishing aggregated estimates or unit-record level information that has been anonymised.

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ANNEXURE A**Table 1**

Classes of data providers	Generic description of data to be provided
Category A	Data regarding seismic, drilling, logging, discoveries, concessions, leases, prospecting, exploration, permits, production activities and reserves of energy minerals.
Category B	(i) Data regarding import/export, quality, sources, prices, volumes and reserves of all primary energy carriers excluding renewable energy sources; and (ii) Data regarding the capacity, costs, and technologies of renewable energy sources.
Category C	(i) Data regarding the production capacity, utilisation, availability, total output, technology, input costs of energy transformation inputs and infrastructure; and (ii) Data regarding import and export of secondary energy carriers.
Category D	Data regarding capacity and utilisation of logistics and infrastructure for transmission, distribution of energy carriers as well as associated costs, optimisation and tariffs.
Category E	Data related to energy consumption, utilisation, efficiency, co-generation and end use of energy within an industry represented by the association.
Category F	Data regarding volumes, prices and type of energy used within the residential, industrial, mining, commercial, transport, agriculture and other sectors as defined by the SIC.
Category G	Energy and energy-related data.

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