



MSCT BEE SERVICES

Making Significant Changes Together

PAIA MANUAL

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

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1. Introduction and Purpose of the Manual

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") came into operation on 9 March 2001. PAIA gives effect to the constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right. Where a request is made to a private body, that body must disclose the information if the requester shows that the record is required for the exercise or protection of any rights, provided no grounds of refusal contained in PAIA are applicable. Section 51 of PAIA obliges private bodies to compile a manual detailing how a person may obtain access to information held by such body.

This Manual is compiled in accordance with Section 51 of PAIA, as amended by the Protection of Personal Information Act, 4 of 2013 ("POPIA"). POPIA promotes the protection of personal information processed by public and private bodies and amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

The objectives of this Manual are:

- To comply with the requirements imposed by PAIA and POPIA.
- To set out the requirements regarding who may request information and the legitimate grounds on which a request may be denied.
- To define the manner and form in which a request for information must be submitted.
- To provide necessary contact details for access to information.
- To describe the categories of records held by MSCT BEE Services.

2. Key Contact Details for MSCT BEE Services

This section provides the contact information for MSCT BEE Services ("MSCT") and its designated Information Officer (IO) and Deputy Information Officer (DIO), who are delegated to receive and coordinate all requests for access to records in terms of PAIA.

Role	Details
Organisation Name	MSCT BEE Services
Information Officer (IO)	Stanley Grau
Deputy Information Officer (DIO)	Ryan Clark
Physical Address	Office S2, The Sanctuary Shopping Centre, c/o De Beer Avenue & Broadway Blvd, Somerset West, Cape Town, 7130
Postal Address	Office S2, The Sanctuary Shopping Centre, c/o De Beer Avenue & Broadway Blvd, Somerset West, Cape Town, 7130
Telephone	021 852 5646
General Access Email	bbbee@msctbee.co.za
IO Email	stanleyg@msctbee.co.za
DIO Email	ryan@msctbee.co.za
Website	www.msctbee.co.za

3. Guide on How to Use PAIA and POPIA – Section 10 of PAIA

Section 51(1)(b) of PAIA requires the manual of a private body to contain a description of the guide referred to in section 10 of PAIA, if available (“PAIA Guide”), and how to obtain access to it.

The PAIA Guide has been compiled by the Information Regulator (IR) to assist a person wishing to exercise a right of access to information in terms of PAIA and POPI. This Guide is updated by the IR and contains information required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The PAIA Guide includes a description of the objects of PAIA and POPIA, the manner and form of a request for access, the assistance available from the IR, all available legal remedies (including lodging a complaint to the IR or applying to court), provisions for compiling a manual, and fee notices.

The PAIA Guide, which is available in all of South Africa’s official languages, may be accessed on the Information Regulator’s website.

Information Regulator Contact Details:

Detail	Location/Contact
Physical Address	Woodmead North Office Park, 54 Maxell Dr, Woodmead, Johannesburg, 2191
Telephone Number	(010) 023 5200
Website	https://inforegulator.org.za/paia-guidelines/
Email Address	inforeg@justice.gov.za or enquiries@inforegulator.org.za

The Latest Notice in terms of Section 52(2)

Section 51(1)(c) of PAIA requires the manual of a private body to contain the latest notice in terms of section 52(2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of PAIA.

Currently, no such notice has been published.

4. Automatic Availability of Records

Categories of records that are automatically available without needing a formal PAIA request are listed below. Information obtainable via MSCT’s website is automatically available and does not need to be formally requested in terms of this Manual.

Category of Records	Types of Records	Available on Website	Available on Request (without formal PAIA request)
Company Policies & Procedures	Selected policies, PAIA Manual	✓	

SANAS Accreditation	Proof of SANAS Accreditation	✓	
B-BBEE Certificates	Final issued certificates		✓

5. Records Available in Accordance with Other Legislation

Access to certain records is governed by other legislation. If a requester relies on a right of access in terms of legislation other than PAIA, the requester must clearly indicate the legislative basis for the request so the Information Officer may consider the request accordingly.

Category of Records (Examples)	Applicable Legislation (Core References)
Company secretarial & governance	Companies Act 71 of 2008
Accounting & statutory records	Tax Administration Act 28 of 2011, Income Tax Act 58 of 1962
VAT records	Value-Added Tax Act 89 of 1991
Payroll, PAYE & incentives	Tax Administration Act 28 of 2011; Employment Tax Incentive Act 26 of 2013
Skills levies & training submissions	Skills Development Levies Act 9 of 1999; Skills Development Act 97 of 1998
Employment records	Basic Conditions of Employment Act 75 of 1997; Labour Relations Act 66 of 1995
Employment equity	Employment Equity Act 55 of 1998
Health & safety	Occupational Health & Safety Act 85 of 1993
Injury-on-duty & Compensation Fund	COIDA 130 of 1993
POPIA compliance records/PAIA records	POPIA 4 of 2013, POPIA regulations; PAIA 2 of 2000
B-BBEE verification engagement records	B-BBEE Act 53 of 2003 & Codes of Good Practice; B-BBEE Verification Manual; SANAS R47
Electronic records & retention format	Electronic Communications and Transactions Act 25 of 2002

6. Subjects and Categories of Records Held

MSCT maintains records on the categories and subject matters listed below. Note that naming a category does not guarantee access; all requests are evaluated based on PAIA provisions. Requests concerning records of third parties (customers, employees) will be carefully considered due to confidentiality obligations.

a) Internal / Corporate Records

- **Company secretarial:** MOI, directors' resolutions, CIPC filings.
- **Strategic & compliance:** SANAS Accreditation, Policies & Procedures.
- **Finance:** invoices, bank statements, management accounts, tax records.
- **Human resources:** contracts, leave, payroll, training, disciplinary files.
- **IT & security:** policies, user access control.
- **Health & Safety** records.
- **Marketing & communications:** website, brochures, newsletters.
- **Supplier & operator agreements:** DPAs (Data Processing Agreements), service contracts, licences.

b) Client-Related / Operational Records

As a BEE verification body, MSCT holds sensitive client records related to B-BBEE status and verification engagements. Access to client records is subject to the written consent of the client and compliance with confidentiality obligations.

- Verification engagement agreements, NDAs, applications.
- Working papers, scorecard models.
- Financial & statutory documents: Financial Statements, accounting records, MOI, VAT & registration documents.
- Ownership: share registers, ID copies, affidavits, dividend declarations.
- Management control: organograms, EE reports, payrolls, board minutes, contracts, ID copies, proof of disability.
- Skills development: training registers, learnership agreements, WSP/ATR submissions, ID copies, proof of disability.
- Preferential procurement: supplier records, invoices, B-BBEE status proofs.
- ESD/SED: agreements, invoices, beneficiary acknowledgements/confirmations, receipts, letters, ID copies.
- Verification reports and final certificates.
- Correspondence with clients.

7. Processing of Personal Information

POPIA governs the lawful processing of personal information. This Manual includes information on processing activities carried out by MSCT, which is deemed the Responsible Party when collecting employee information and potentially an Operator when processing client information to provide services.

7.1 Purpose of Processing Personal Information

MSCT processes personal information for the following specific, explicitly defined and lawful purposes:

- Conducting B-BBEE verifications and issuing certificates.
- Validating supporting evidence for scorecard elements.
- Managing engagement records and correspondence.
- HR management (payroll, leave, EE, training).
- Statutory and accreditation obligations (SANAS, DTIC, SARS, CIPC).
- Supplier and operator agreements.
- Accounting, tax and invoicing records.
- Safeguarding systems and information security.
- Marketing and business communications.

7.2 Categories of Data Subjects and Information

MSCT processes information relating to identifiable living natural persons and, where applicable, identifiable existing juristic persons. The categories of data subjects include:

- **Clients:** names, IDs, company data, financial statements, payroll, procurement & skills records.
- **Employees & Job Applicants:** personal details, qualifications, EE data, salaries, performance records.
- **Service Providers / Operators:** registration, VAT, contact details, bank details, contracts.
- **Other Stakeholders:** SANAS, DTIC, auditors, professional bodies.
- Depending on the context, special personal information (e.g., race, gender, health, criminal history) may be collected for purposes such as employment equity or B-BBEE verification.

7.3 Recipients of Personal Information

Depending on the nature of the personal information, MSCT may supply information or records to the following recipients or categories of recipients:

- SANAS (South African National Accreditation System).
- Department of Trade, Industry & Competition (DTIC).
- Clients (measured entities).
- Statutory authorities (SARS, CIPC).
- Courts or legal bodies (where lawfully required).
- Approved service providers under confidentiality agreements.

7.4 Planned Transborder Flows of Personal Information

MSCT may need to transfer personal information outside South Africa, for example, for storing or backing up data on cloud platforms located in jurisdictions such as the EU, UK and USA. These transfers occur under GDPR-aligned safeguards and written agreements, ensuring compliance with Section 72 of POPIA regarding transfers to foreign countries that provide an adequate level of protection.

7.5 General Description of Information Security Measures

MSCT applies appropriate, reasonable technical and organisational safeguards to secure the integrity and confidentiality of personal information in its possession or under its control to prevent loss, damage, unauthorised destruction, access, or processing. Measures implemented include:

- Password protection and complexity requirements.
- Two-factor authentication.
- Role-based access controls.
- Encryption in transit and at rest.
- Secure cloud storage with audit logs.
- Encrypted backups.
- Staff confidentiality undertakings and periodic reviews.

This PAIA Manual is to be read together with our company policies and procedures regarding our compliance with POPI, copies of which are available via our website or upon request from our IO.

8. Request Procedure and Access

MSCT recognises its obligations under PAIA and the requirements of the South African National Accreditation System (“**SANAS**”) applicable to accredited B-BBEE verification agencies. Requests for access to information are handled in accordance with both frameworks, as set out below.

8.1 Requests by Clients (SANAS Requirements)

Clients may request access to records or information relating to their own B-BBEE verification. Such requests are managed in accordance with MSCT’s SANAS-approved policies, procedures, and quality management system.

Access to verification information may be provided only to:

- the client to whom the verification relates;
- SANAS, the Department of Trade, Industry and Competition (the DTIC), or other authorised oversight bodies; or
- any other party where disclosure is required by law or authorised in writing by the client.

MSCT will not release any verification working papers, reports, or records to unauthorised persons, and all disclosures will comply with the confidentiality and impartiality requirements prescribed by SANAS R47 and the B-BBEE Verification Manual.

8.2 Disclosure to SANAS and Regulators

MSCT may, without requiring a PAIA request, disclose information or records to SANAS, the DTIC or other authorised regulatory bodies where such disclosure is required for accreditation, monitoring or investigation purposes. These disclosures are governed by SANAS accreditation conditions and are not subject to the PAIA access process.

8.3 Requests by the Public or Third Parties (PAIA Process)

Any request for access to a record by a person other than a client must be made in terms of PAIA, in compliance with the provisions of this Manual.

A requester must comply with all procedural requirements of PAIA, including the completion of the prescribed form, payment of fees (if applicable), and proving the necessity of the record for the exercise or protection of a right.

It is important to note that access to any information or document is not automatic.

A requester will be notified in the manner indicated by the requester on the request form whether or not the request has been approved.

8.3.1 Form of Request

A request for access to a record of a private body must substantially correspond with the prescribed form (PAIA Form 2).

The form must require the requester to:

1. Provide sufficient particulars to enable the IO to identify the record(s) requested and the requester's identity.
2. Indicate the preferred form of access.
3. Specify a postal address or fax number of the requester in the Republic.
4. Identify the right 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.
5. If the request is made on behalf of another person, submit proof of capacity to the reasonable satisfaction of the IO.

8.3.2 Proof of Identity and Assistance

Proof of identity (e.g., certified copy of identity document) is required to authenticate the requester's identity. If an individual is unable to complete the prescribed form due to illiteracy or a disability, they may make the request orally, and the IO must reduce the request to writing in the prescribed form.

8.3.3 Fees and Deposits

There are generally two categories of fees payable: the request fee and the access fee.

- Request Fee:** The IO must require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request. This fee is generally R140.00 (as per the example standard fee schedule).
- Access Fee/Deposit:** If the search and preparation of the record require more than the prescribed hours, the IO must request a deposit of not more than one third of the access fee payable if the request is granted. The access fee covers reproduction, search, preparation, and postal costs.
- Payment Condition:** The IO may withhold a record until the requester has paid the applicable fees in full. If a request is refused, any deposit paid must be repaid to the requester.

8.3.4 Timelines for Decision

The IO must decide whether to grant or refuse the request and notify the requester within 30 days after the request is received.

Extension of Time: The initial period may be extended once for a further period of not more than 30 days if the request is extensive, requires a search across different offices, or requires consultation necessary to decide on the request. The requester will be notified of the extension and the reasons why it is necessary.

Deemed Refusal: If the IO fails to give a decision within the 30-day period (or extended period), the request is deemed refused.

9. Grounds for Refusal of Access to Records

The IO must refuse a request based on mandatory grounds and may refuse based on discretionary grounds, unless the mandatory disclosure in the public interest applies.

9.1 Mandatory Grounds for Refusal

MSCT must refuse access to a record if:

- The disclosure would involve the unreasonable disclosure of personal information about a third party (natural or deceased person).
- The record contains trade secrets of a third party.
- The record contains financial, commercial, scientific or technical information of a third party, the disclosure of which would likely cause harm to that third party's commercial or financial interests.
- The record contains confidential information supplied by a third party where disclosure could put that third party at a disadvantage in negotiations or prejudice them in commercial competition.
- The disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- The disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- The record is privileged from production in legal proceedings, unless the privilege has been waived.
- The record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would likely expose the third party or the research subject matter to serious disadvantage.

9.2 Discretionary Grounds for Refusal

MSCT may refuse access to a record if:

- The disclosure would be likely to prejudice or impair the security of property (including computer/communication systems or transport) or related methods/systems/plans for protection.
- The record contains trade secrets of MSCT.
- The record contains financial, commercial, scientific or technical information of MSCT, the disclosure of which would likely cause harm to the commercial or financial interests of MSCT.
- The disclosure would likely put MSCT at a disadvantage in contractual or other negotiations or prejudice MSCT in commercial competition.

- The request is manifestly frivolous or vexatious.
- The work involved in processing the request would substantially and unreasonably divert the resources of MSCT.

9.3 Mandatory Disclosure in Public Interest

Notwithstanding any of the refusal grounds listed above, the Information Officer must grant access if:

- The disclosure of the record would reveal evidence of:
 1. A substantial contravention of, or failure to comply with, the law; or
 2. An imminent and serious public safety or environmental risk; and
- The public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.

10. Remedies Available to the Requester

MSCT BEE Services does not have internal appeal procedures available to a requester. The decision made by the Information Officer is final.

If a request for access is refused, the requester is entitled to external remedies. The requester may apply for appropriate relief to the Information Regulator or a court of competent jurisdiction:

1. **Complaint to the Information Regulator (IR):** A requester aggrieved by the refusal may submit a complaint to the IR within 180 days of the decision, alleging that the decision was not in compliance with PAIA.
2. **Application to Court:** A requester may apply to a court of competent jurisdiction (High Court or Magistrate's Court designated by the Minister) for appropriate relief within 180 days of notification of the decision.

11. Annexures (Forms)

The following prescribed forms should be utilised by data subjects or requesters for access:

Annexure	Purpose/Description	Required Action
Appendix A (PAIA Form 2)	Request for Access to Record of a Private Body. Must be used by any person (other than a personal requester seeking their own information under POPIA) requesting a record, clearly outlining the right being exercised or protected.	Completion and submission to the IO/DIO.
Appendix B (Fee Schedule)	Fees in Respect of Private Bodies. Details the prescribed fees for requests, reproduction, search and preparation, and deposits.	Reference for fee payment, calculation, and applicable request/access fees.

12. Availability and Updating of the Manual

12.1 Availability

Copies of this Manual are available:

- On MSCT's website: www.msctbee.co.za.
- At MSCT's Head Office during normal business hours for public inspection.
- Upon request, subject to payment of prescribed fees.
- To the Information Regulator upon request.

12.2 Updating

The Managing Director (IO) of MSCT BEE Services will review and update this Manual on a regular basis, particularly when changes to legislation are published.

13. General

Nothing in this Manual is intended, or should be construed, to be a waiver of the right to confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned in this Manual, whether in terms of any legislation or in terms of common law. All rights in this regard are reserved.

Insofar as there is a conflict in the interpretation of or application of this manual and PAIA or POPI, PAIA or the POPI Act shall prevail.

This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or all rights listed under POPI. The reader relying on any provisions of this Manual is advised to familiarise his/her/itself with the provisions of PAIA and POPI.

APPENDIX A: PAIA FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

APPENDIX B: FEE SCHEDULE

Fees in Respect of Private Bodies		
Item	Description	Amount
1	The request fee payable by every requester	R140.00
2	Photocopy/printed black & white copy of A4-size	R2.00 per page or part page thereof.
3	Printed copy of A4-size page	R2.00 per page or part page thereof.
4	For a copy in a computer-readable form on: <ul style="list-style-type: none"> (iii) Flash drive (to be provided by Requester) <ul style="list-style-type: none"> • If provided by Requester • If provided to the Requester 	R40.00 R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider
6	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider
7	Transcription of an audio record, per A4-size page	R24.00
8	Copy of an audio record on: <ul style="list-style-type: none"> (iv) Flash drive (to be provided by Requester) 	R40.00

Fees in Respect of Private Bodies

Item	Description	Amount
	(v) Compact disc <ul style="list-style-type: none"> • If provided by Requester • If provided to the Requester 	R40.00 R60.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.