Promotion of Access to Information Manual

Prepared in terms of the requirements of the
PROMOTION OF ACCESS TO INFORMATION ACT No
2 of 2000 (as amended)

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Introduction

The Promotion of Access to Information Act 2 of 2000 (“PAIA” or “the Act”) gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. The Protection of Personal Information Act 2013 has amended the PAIA and requires from private bodies to disclose certain information through the relevant organisation’s PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow to request to view, update or delete personal information held by the private body.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

This organisation falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation toprovide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. In In general the limitations relate to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held and the process that needsto be adopted to access such records.

All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.

Purpose of a PAIA Manual

This PAIA Manual is useful for the public to

- check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 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;
- know the description of the records of the body which are available in accordance with any other legislation;
- 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;
- know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 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;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied;
- 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
- know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be
- processed.

Business and Contact Details

Millenium Star Capital (Pty) Ltd (registration Number 2009/002861/07) ("the Company") was formed on 12 February 2009. It conducts business as an investment advisory company. It is an Authorized Services Provider in terms of the Financial Advisory & Intermediary Service Act with FSP licence number 41656.

Name of business	Millenium Star Capital (Pty) Ltd
Head of business	Lisa Rodel
Position	Director, Key Individual, Head of Administration and Compliance
Postal address	P O Box 785275, Sandton, 2146
Physical address	118 Mackay Avenue, Blairgowrie, Randburg, 2194
Phone number	083 556 8414
E-mail address	lisa@mscapitalgroup.co.za
Website	mscapitalgroup.co.za

Section 51(1) of the Promotion of Access to Information Act (the Act)

- The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled bythe South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- The contact details of the Commission are:

  Postal Address: Private Bag 2700, Houghton, 2041
  Telephone Number: (011) 877 3600
  Fax Number: (011) 403 0625
  Website: www.sahrc.org.za

Records that are held at the offices of the business

The following is a list of records that are held at the business's office:

Administration

- Founding Documents
- Licences (categories)
- Shareholder Register
- Statutory Returns
- Operational Records
- Intellectual Property
- Internal Correspondence
- Internal policies and procedures
- Minutes of meetings
- Records held by official of MSC
- Personnel records

Finances

- Annual Financial Statements
- Asset Register
- Employment Equity Act 55 of 1998

Statutory Records:

At present these include records (if any) held in terms of:

- Basic Conditions of Employment 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Financial Advisory and Intermediary Services Act 37 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Services Board Act 97 of 1990
- Income Tax Act 95 of 1967
- Financial Services Ombud Schemes Act 37 of 2004
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Occupational Health & Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Promotion of Access to Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Client related records

Client-related information includes the following:

- Contracts with the client and between the client and other persons;
- Any records a client has provided to MSC or a third party acting for or on behalf of MSC (including financial, legal, tax, operational, employee and similar records);
- Any records a third party has provided to MSC, which concerns a client; and
- Records generated by or within MSC pertaining to the client, including transactional records.

Processing of personal information

Purpose of Processing

- Fulfilling statutory obligations in terms of applicable legislation
- Historical record keeping, research and recording statistics necessary for fulfilling your business objectives.
- Keeping of accounts and records
- Monitoring, maintaining and managing our contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties
- Obtaining information necessary to provide contractually agreed services to a customers and clients
- Resolving and tracking complaints
- Staff administration
- Verifying information provided to us

Categories of Data Subjects

- Clients and client's employees, representatives, agents, contractors and service providers
- Existing and former employees (including contractors, agents, temporary and casual employees)
- Suppliers and service providers and their respective authorised employees, representatives, agents, contractors and service providers of such suppliers and service providers

Categories of Personal Information processed

Natural Persons

- Names
- Physical and postal addresses
- Date of birth
- ID number
- Tax related information
- Nationality
- Gender
- Confidential correspondence
- Email address
- Telephone number

Juristic Persons

- Names of contact persons
- Name of Legal Entity
- Registration Number
- Physical and Postal address and contact details
- Financial information
- Founding documents
- Tax related information
- Authorised signatories, beneficiaries, ultimate beneficial owners

Categories of special information processed

Not Applicable – we do not process special information

Possible Recipients of Personal Information

- Auditors
- Banks and other financial institutions.
- Employees of the organisation
- Ombudsman and regulatory authorities
- Police / courts where necessary
- Regulatory, statutory and government bodies
- Suppliers, service providers, vendors, agents and representatives of such entities
- Third party verification agencies and credit bureau

Trans-border / cross border flows of personal information

It may be required from time to time need to share personal information of data subjects with third parties in other countries. Any sharing of personal information of data subjects with third parties in other countries will be done only if the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection which effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act and the data subject consents to the transfer.

Any such transfer will have to be shown to be necessary for the performance of a contract between the data subject and the recipient in question, or for the implementation of pre- contractual measures taken in response to the data subject's request.

General Description of Information Security Measures

Up to date technology is employed to ensure the confidentiality, integrity and availability of the Personal Information under our care.
Measures include:

- Acceptable usage of personal information
- Access control to personal information
- All third parties with whom any contract exists are required to ensure that appropriate security, privacy and confidentiality obligations are observed.
- Computer and network security including Firewalls, Virus protection software and update protocols

Governance and regulatory compliance

- Investigating and reacting to security incidents.
- Logical and physical access control
- Physical security
- Retention and disposal of information
- Secure communications
- Security in the outsourcing of any activities or functions through appropriate contracts
- Training of staff members

We continuously establish and maintain appropriate, reasonable technical and organisational measures to ensure that the integrity of the Personal Information which may be in our possession or under our control, is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures applicable.

Information Request Procedure

The requester must use the prescribed form to make the request for access to a record. The prescribed form is available from the Head of Business named in Section 2 above. The form is also available from the website of the Department of Justice and Constitutional Development at www.doj.gov.za

- The request must be made to the Head of Business named in Section 2 above. This request must be made to the address or electronic mail address of the business.
- The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- 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 Head of Business aforesaid.
- The prescribed request fee must be attached.
- We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

- Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

Denial of Access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put Millenium Star Capital at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Millenium Star Capital
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Millenium Star Capital
- If access to a record or any other relevant information is denied, our response will include:
- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

Fees

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two basic types of fees payable in terms of the Act.

Request Fee

The non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

Access Fee

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

Manual Availability

A copy of this Manual may be obtained from the Head of Business referred to in Section 2 hereof.

Any transmission costs or postage required in respect of hard copies of the Manual, will be for the account of the requester.