

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. LIST OF ACRONYMS AND ABBREVIATIONS

1.1. "B-BBEE"	Broad-Based Black Economic Empowerment
1.2. "CEO"	Chief Executive Officer;
1.3. "DIO"	Deputy Information Officer;
1.4. "IO"	Information Officer;
1.5. "Minister"	Minister of Justice and Correctional Services;
1.6. "Mpowered"	Mpowered Business Solutions (Pty) Ltd;
1.7. "PAIA"	Promotion of Access to Information Act No. 2 of 2000 (as amended)
1.8. "Personal Information"	As per the definition section in POPIA;
1.9. "POPIA"	Protection of Personal Information Act No. 4 of 2013 (as amended);
1.10. "Regulator"	Information Regulator; and
1.11. "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 IO and DIO 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 the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and 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, 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 MPOWERED

3.1. Chief Information Officer

Name: Mitishka Ramdhani
Tel: (071) 869 5145
Email: mitishka@mpowered.co.za

3.2. Deputy Information Officer(s)

Deputy 1:

Name: Gary Greyling
Tel: (082) 694 6834
Email: gary@mpowered.co.za

Deputy 2:

Name: Michael Craies
Tel: (083) 401 1877
Email: michael@mpowered.co.za

3.3. Access to information on general contacts

Email: support@mpowered.co.za

3.4. National

Postal Address: Postnet Suite 236, Private Bag X9976,
Sandton, 2146

Physical Address: Nicol Main Office Park, Office 223, Building C,
2 Bruton Street, Bryanston, 2191

Tel: (011) 447 2966

Email: support@mpowered.co.za

Website: www.mpowered.co.za

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 IO of every public body, and
 - 4.3.2.2. every DIO 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;

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.

- 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 IO of a public body, a decision on internal appeal or a 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 Mpowered, with prior arrangement, or the office of the Regulator, during normal business hours.

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. The Guide can also be obtained-

4.5.1. upon request to the IO;

4.5.2. from the website of the Regulator (<https://info regulator.org.za/>).

4.6. A copy of the Guide is also available in the following two official languages, for public inspection, with prior arrangement, during normal business hours

4.6.1. English; and

4.6.2. Afrikaans.

5. DESCRIPTION OF APPLICABLE LEGISLATION

<u>No</u>	<u>Reference*</u>	<u>Act</u>
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1198	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 25 of 2002	Electronic Communications and Transactions Act
9	No 2 of 2000	Promotion of Access to Information Act
10	No 30 of 1996	Unemployment Insurance Act
11	No 97 of 1998	Skills Development Act
12	No 9 of 1999	Skills Development Levies Act
13	No 4 of 2013	Protection of Personal Information Act

*All references to legislation also include any amendments to these acts.

6. SUBJECT AND CATEGORIES OF RECORDS HELD BY MPOWERED AND AVAILABILITY

<u>SUBJECT</u>	<u>CATEGORY</u>	<u>AVAILABILITY</u>			
		<u>WEBSITE¹²</u>	<u>REQUEST¹³</u>	<u>PAIA¹⁴</u>	<u>PROPRIETARY¹⁵</u>
COMPANY	Document of Incorporation		X		
	Memorandum and Articles of Association		X		
	Minutes of Board of Directors meetings				X

¹² Available on the Mpowered websites.

¹³ Available on request from Mpowered.

¹⁴ Available on request in terms of PAIA.

¹⁵ Proprietary record and not available.

	Records relating to the appointment of directors / auditor / secretary / public officer and other officers			X	
	Share register and other statutory registers			X	
	Policies & Procedures		X		
	Latest B-BBEE Certificate	X			
FINANCIAL	Annual Financial Statements				X
	Tax Returns				X
	Accounting Records				X
	Banking Records				X
	Bank Statement				X
	Paid Cheques				X
	Electronic Banking Records				X
	Asset Register				X
	Rental Agreement				X
	Invoices				X
	Management Accounts				X
TAX	PAYE Records				X
	Documents issued to employees for income tax purposes				X
	Records of payments made to SARS on behalf of employees				X
	Statutory Compliance Documents*:				
	• VAT		X		
	• Regional Services Levies		X		
	• Skills Development Levies		X		
	• UIF		X		
PERSONNEL	• Workmen's Compensation		X		
	Employment Contracts				X
	Disciplinary records				X
	Salary records				X
	Disciplinary code			X	
	Leave records				X
	Training records			X	
	Training Manuals				X
GENERAL	Performance Evaluations				X
	Privacy Statement	X			

	Terms & Conditions	X			
	PAIA Manual	X			

*These documents include only the evidence required to prove good standing and does not include transactional information.

7. PROCESSING OF PERSONAL INFORMATION

7.1. Purpose of Processing Personal Information

7.1.1. Employee Personal Information

7.1.1.1. The purpose of processing employee Personal Information is to comply with legal and regulatory obligations, manage payroll and benefits, support the human resource processes, and ensure workplace safety and communication.

7.1.2. Client Personal Information

7.1.2.1. The purpose of processing client Personal Information is to provide B-BBEE and related services effectively, fulfil contractual and legal obligations, manage accounts, and ensure clear communication.

7.1.3. Service provider Personal Information

7.1.3.1. The purpose of processing service provider Personal Information is to manage our business relationship, process payments, fulfil contractual and legal obligations, and ensure clear communication

7.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

<u>CATEGORIES OF DATA SUBJECTS</u>	<u>PERSONAL INFORMATION THAT MAY BE PROCESSED</u>
Employees	Identification number, contact number, email address, address, emergency contact, qualifications and work experience (CV's), nationality, disability status, gender and race
Client	Name, address, registration number, bank details, VAT details, contact details (incl. phone and email), supplier details (incl. VAT and registration numbers, address, contact numbers and B-BBEE info (incl. B-BBEE certificate)), employee details (incl. identification number, contact number, email address, management position, training records, nationality, disability status, gender and race) and trade secrets
Service providers	Name, address, registration number, bank details, VAT details, contact details (incl. phone and email), B-BBEE info (incl. B-BBEE certificate) and trade secrets

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

<u>CATEGORY OF PERSONAL INFORMATION</u>	<u>RECIPIENTS OR CATEGORY OF RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED</u>
Identity numbers and names for criminal checks	South African Police Services
Qualifications, identity numbers and names for qualification verification	South African Qualifications Authority

Credit and payment history, for credit information	Credit Bureaus
Client information for service deliver	Mpowered directors, auditors, accountants, management and staff as required provide the relevant contracted services
Employee information for the purposes of B-BBEE verification of Mpowered	Mpowered's appointed verification agency. Non-disclosure agreements and service level agreements to be in place before information is supplied.

7.4. Planned transborder flows of personal information

7.4.1. No personal information will be shared outside of the Republic. All cloud servers are located in the Republic and all backups stored in the Republic.

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

7.5.1. Mpowered has implemented the controls of the SOC 2 information security standard and have received our SOC 2 Type 2 compliance report. This compliance report is audited annually by an independent external party. The audit does not include client information.

8. AVAILABILITY OF THE MANUAL

8.1. A copy of the Manual is available

8.1.1. on www.mpowered.co.za;

8.1.2. at the head office of Mpowered for public inspection, with prior arrangement, during normal business hours;

8.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.4. to the Information Regulator upon request.

8.2. A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable for each A4-size photocopy made.

9. UPDATING OF THE MANUAL

9.1. The head of a Mpowered will, on a regular basis, update this manual.

Issued by



Mitishka Ramdhani
Managing Director