



Manual

IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)
READ WITH THE PROTECTION OF PERSONAL
INFORMATION ACT 4 OF 2013 (POPIA)
FOR

MWR CyberSec (Pty) Ltd (MWR)

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"), which provides for the right of access to information held by MWR and to information held by another person that is required for the exercise and / or protection of any right. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

A Guide has been compiled by the Human Rights Commission and the responsibility of the Guide will transfer to the Information Regulator under POPIA after 30 June 2021. (It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages)

The Company

MWR is a leading cybersecurity company and a global research-led technical consultancy that designs solutions and provides tailored advice in all areas of cyber security: from architecting systems to be secure by design through technical assurance, regulatory compliance and incident response.

The company website address is <https://www.mwrcybersec.com>

MWR supports the constitutional right of access to information, and we are committed to provide access to records in accordance with the provisions and the principles of South African law whilst safeguarding data of our clients, third parties and data subjects and has appropriate security measures to ensure confidentiality and integrity of personal information.

This manual will be updated annually or as and when required.

MWR Contact Details	
Name of the head of the private body as contemplated in section 1 of PAIA	Gabriel de Sousa
Information Officer	Christopher Panayi
E-mail address of Information Officer	christopher.panayi@mwrcybersec.com
Postal Address	
Street Address	155 WEST STREET, SANDTON, JOHANNESBURG, GAUTENG, 2031
Phone Number	Office: +27101003157

The Act

The Act grants a requester access to records of a public and 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 shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

At this stage no notice affecting MWR has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

Records that are automatically available from MWR are certain documentation relating to MWR which is held by CIPC with the requirements set out in section 25 of the Companies Act, Services Brochures and marketing information available on our website and which are also available by sending an email or letter to request.

Description of Records

Insofar as it may be applicable, MWR keeps records of information to the extent required in terms of, inter alia, but not limited to, the following legislation:

Arbitration Act 42 of 1965 • Banks Act 94 of 1990 • Basic Conditions of Employment Act 75 of 1997 • Broad-Based Black Economic Empowerment Act 53 of 2003 • Companies Act 61 of 1973 • Compensation for Occupational Injuries and Diseases Act 130 of 1993 • Competition Act 89 of 1998 • Constitution of South Africa Act 108 of 1996 • Consumer Protection Act 68 of 2008 • Copyright Act 98 of 1987 • Criminal Procedure Act 51 of 1977 • Currency and Exchanges Act 9 of 1933 • Customs and Excise Act 91 of 1964 • Electronic Communications and Transactions Act 25 of 2002 • Employment Equity Act 55 of 1998 • Finance Act 35 of 2000 • Financial Intelligence Centre Act 38 of 2001 • Income Tax Act 58 of 1962 • ICASA Act 13 of 2000 • Insurance Act 27 of 1943 • Intellectual Property Laws Amendments Act 38 of 1997 • Labour Relations Act 66 of 1995 • Magistrates Court Act 32 of 1944 • National Health and Safety Act 85 of 1993 • Patents Act 57 of 1987 • Pension Funds Act 24 of 1956 • Preferential Procurement Policy Framework Act of 2000 • Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002 • Skills Development Act 97 of 1998 • Skills Development Levies Act 9 of 1999 • South African Revenue Service Act 34 of 1997 • Trademarks Act 194 of 1993 • Unemployment Contributions Act 4 of 2002 • Unemployment Insurance Act 63 of 2001 • Value Added Tax Act 89 of 1991

The Information Officer/ Deputy Information Officer may refuse a request for access to information where the law allows her/him to do so.

The table below depicts at a high level the records of information which may be applicable to MWR, which list is not limited to, and the list will be updated if it becomes necessary:

Category Of Record	Details Of Record	Availability
Companies Act records	Documents of incorporation Share register Minutes of directors' meetings Records relating to the appointment of the directors / auditors / secretary / information officer and other officers Other statutory registers including Covid-19 records	A request for access to a record as contemplated in PAIA, must be made in the form C thereof.
Financial records	Annual Financial Statements Financial and Tax Records Accounting Records Asset Register	A request for access to a record as contemplated in PAIA, must be made in the form C thereof.
Company policies and standards	Policies, Standards, Procedures and Templates and manuals, agreements corporate affairs, certain legal documents	Formal Request from clients subject to confidentiality undertakings and data protection laws
Marketing	Market Information, branding, brochures, media releases, newsletters and publications	Information available on website – all other requests for access to a record as contemplated in PAIA, must be made in the form C thereof.
Insurance	Insurance Policies	Formal Request from clients subject to confidentiality undertakings and data protection laws
Regulatory	Licenses, registrations, permits and other	Formal Request from clients subject to confidentiality undertakings and data protection laws
Human Resources	HR Policies and procedures internally Advertised posts Records that are not confidential or personal data	Formal Request from employees subject to confidentiality undertakings and data protection laws

References to sections in law:

1. Description of records (section 51)
2. The POPIA requirements (section 51)
3. Form of request (section 53)
4. Prescribed fees (section 54)

POPIA Requirements

Section 17 of POPIA requires a responsible party to maintain a record of all processing operations (or activities or functions) under its responsibility. MWR will protect the confidentiality of information provided to it by third parties, subject to MWR's obligations to disclose information in terms of any applicable law or regulation or a court order requiring disclosure of information.

Insofar as POPIA is concerned

- i. the purpose of the processing is to provide cyber security consulting services, to manage client contracts and our employees in general.;
- ii. the categories of data subjects are client data as per the agreement with clients and employee personal information.
- iii. the recipients to whom the personal information may be supplied will only be as necessary to fulfil our obligations towards our clients and if legally required by statutory authorities, tax authorities, financial institutions, employee pension and provident funds, industry bodies and third parties if agreed with the client as part of our services.
- iv. in respect of transborder flows of personal information, we may send personal information outside of South Africa to some of our entities, if and as required to assist with our services. We will however only transfer data to countries who have similar privacy laws to South Africa's and recipients who can guarantee the protection of personal information to the same standards we have to protect and will do so only with the client's consent.
- v. client confidential information is encrypted and is mainly information relating to the projects we have completed. It is stored in a file share hosted within MWR's South African office. Access to confidential material such as assessment reports, is currently restricted to consultants and delivery managers. We also collect access logs from this file share.

We follow the principle of not retaining personal information longer than is necessary for achieving the purpose thus regularly review our data retention policy and the data we hold and/or until the data subject or client reasonably requires us to destroy or delete certain information to put it beyond use. We do not store real data from any of clients or systems but only reports of our project findings. Other than personal information, we adhere to the retention periods as per the relevant legislation. If we store personal data then it is limited to contact names and contact details i.e., for project purposes. In our consulting work, we do not actively retrieve client data unless this data exists in non-production environments where our testing typically occurs. Where necessary, data taken from testing environments, is normally a small sample to demonstrate impact of vulnerability exploitation.

Insofar as POPIA is concerned, please review the company's privacy policy on the company's website.

Form of Request (Section 53)

The requester must complete Form C of Annexure B to the Regulations regarding the Promotion of Access to Information Act 2 of 2000 (published under Government Notice R187 in Government Gazette 23119 of 15 February 2002 as amended by Government Notice R1244 in Government Gazette 25411 of 22 September 2003) and submit this form together with a request fee, to the head of the company.

A request for access to a record of a private body must be made in the prescribed form to the head of the company and at the company's address or electronic mail address.

The form for a request for access must at least require the requester concerned-

- a) to provide sufficient particulars to enable the head of the company to identify-
 - i. the record or records requested; and
 - ii. the requester.
- b) to indicate which form of access is required.
- c) to specify a postal address or fax number of the requester in the Republic.
- d) to 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.
- e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the company.

If request for access is denied, the requester may:

- g) apply to a court with appropriate jurisdiction, or
- h) lodge a complaint with the Information Regulator, for the necessary relief
- i) Promotion of Access to Information (PAIA) Forms
- j) Forms relating to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- k) Request for a Guide from the Information Regulator
- l) <https://www.justice.gov.za/infoereg/docs/forms/InfoRegSA-PAIA-Form01-Reg2.pdf>
- m) Request for Access to Record
- n) <https://www.justice.gov.za/infoereg/docs/forms/InfoRegSA-PAIA-Form02-Reg7.pdf>
- o) Complaint Form
- p) <https://www.justice.gov.za/infoereg/docs/forms/InfoRegSA-PAIA-Form05-Reg10.pdf>

Prescribed Fees (Section 54)

A requestor is required to pay the prescribed fees before a request will be processed in terms of the Regulations regarding the Promotion of Access to Information published in Government Notice R187 of 2002 in Government Gazette 23119 of 15 February 2002.

Records may be withheld until the fees have been paid. The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.za.