

PAIA MANUAL

INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO.2 OF 2000 ("PAIA") AND SECTION 18 OF THE PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013 ("POPIA")

FINANCIAL SECTOR TRANSFORMATION COUNCIL NPC

with Registration Number 2006/006846/08

("the Private Body" and/or FSTC NPC")

This Manual applies to the Financial Sector Transformation Council NPC (Registration Number 2006/006846/08). The FSTC NPC serves as the administrative and operational arm of the Financial Sector Transformation Council and acts as custodian of records generated by the NPC and records held on behalf of the Financial Sector Transformation Council.

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PART A

1. INTRODUCTION

- 1.1. This manual has been prepared in accordance with the provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA"), and the Protection of Personal Information Act, No. 4 of 2013 ("POPIA").
- 1.2. PAIA gives effect to the constitutional right of access to information, as enshrined in Section 32 of the Constitution of the Republic of South Africa.
- 1.3. In compliance with section 51 of PAIA, private bodies are required to make available a manual containing information regarding the records held by it and the procedures for requesting access to such records.

2. THE FSTC NPC

- 2.1. The Financial Sector Transformation Council NPC ("FSTC NPC") is a non-profit company incorporated in terms of the Companies Act, 2008, which serves as the administrative and operational arm of the Financial Sector Transformation Council ("the Council"), a Charter Council responsible for the Financial Sector established in terms of the B-BBEE Act.
- 2.2. The objectives of the FSTC NPC are to:
 - 2.2.1. Drive and measure transformation of the Financial Services Sector (Financial Sector); and
 - 2.2.2. Developing and monitoring the implementation of the Financial Sector Code.

3. THE FUNCTIONS OF THE FSTC NPC

- 3.1. The FSTC NPC performs the following functions on behalf of and in support of the Council.
- 3.2. The FSTC NPC is primarily responsible for the development of the Financial Sector Code and for monitoring and evaluating its implementation across the financial sector.
- 3.3. The FSTC NPC reports on the implementation of the Financial Sector Code through the Council's SoTAR inter alia, to the Minister of Finance as its Line Ministry, the Minister of Trade, Industry and Competition, and the B-BBEE Advisory Council. These reports provide both qualitative and quantitative insights across all elements of the B-BBEE scorecard.
- 3.4. The FSTC NPC is required to review and assess the B-BBEE certificates and verification reports submitted by measured entities, ensuring compliance with the Financial Sector Code and monitoring sector progress.

COUNCIL MEMBERS

TRADE ASSOCIATIONS: Mfundo Nkuhlu (Chairperson), Kaizer Moyane, Bongzi Kunene, Vivienne Pearson, Ronald King, Vuyo Lee **GOVERNMENT:** Njabulo Sithabe (Chairperson), Alvinah Thela, Jacob Maphutha. **COMMUNITY:** Molly Dhlamini, Tebello Radebe. **ABSIP:** Mark Davids, **LABOUR:** Moses Lekota, Jan Mahlangu.

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4. DEFINITIONS, ACRONYMS AND INTERPRETATIONS

- 5.1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention:
- 5.2. An expression which denotes –
- 5.2.1. any gender includes the other genders;
 - 5.2.2. a natural person includes an artificial or juristic person and vice versa;
 - 5.2.3. the singular includes the plural and vice versa;
- 5.3. The following expressions and/or abbreviations shall bear the meanings assigned to them below, and similar expressions bear corresponding meanings:

B-BBEE	Broad-Based Black Economic Empowerment.
B-BBEE Act	The Broad-Based Black Economic Empowerment Act 53 of 2003, as amended from time to time.
Council	The Financial Sector Transformation Council established in terms of the Financial Sector Code and responsible for monitoring transformation within the financial sector.
Data Subject	The person to whom Personal Information relates, as contemplated in POPIA.
Deputy Information Officer or DIO	A person designated by the Information Officer in terms of PAIA and/or POPIA to assist with the performance of the Information Officer's duties.
FSTC NPC	The Financial Sector Transformation Council NPC, registration number 2006/006846/08, being the private body to which this Manual applies.
Financial Sector Code or FS Code	The Financial Sector Code issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act 53 of 2003, as amended from time to time.
Information Officer or IO	The Information Officer of the FSTC NPC as contemplated in PAIA and POPIA.
Information Regulator	The Information Regulator established in terms of section 39 of POPIA.
Manual	This PAIA and POPIA Manual, including all annexures, as amended from time to time.
Minister	The Minister of Justice and Constitutional Development, or any successor responsible for the administration of PAIA.
PAIA	The Promotion of Access to Information Act 2 of 2000, as amended from time to time.
Personal Information	Personal information as defined in section 1 of POPIA.
POPIA	The Protection of Personal Information Act 4 of 2013, as amended from time to time.
Private Body	The FSTC NPC, being the private body to which this Manual applies.
Processing	Any operation or activity concerning Personal Information as defined in POPIA, whether or not by automatic means.

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Record	Any recorded information, regardless of form or medium, in the possession or under the control of the FSTC NPC.
Republic	The Republic of South Africa.
Requester	Any person requesting access to a Record of the FSTC NPC in terms of PAIA.
SoTAR	State of Transformation Annual Report.
Special Personal Information	Personal information contemplated in sections 26 to 33 of POPIA, including information relating to race, health, biometric information, religious or philosophical beliefs, trade union membership, political persuasion, sex life or criminal behaviour.
Third Party	Any natural or juristic person other than the Requester or the FSTC NPC.
Stakeholder	In accordance with the context, but stakeholders of the FSTC will specifically include its directors and Council members.

- 5.4. Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 5.5. If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this manual;
- 5.6. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this manual;
- 5.7. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding business day;
- 5.8. Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be or as is otherwise defined in any legislation;
- 5.9. The use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 5.10. Insofar as there is a conflict in the interpretation of or application of this manual and PAIA or the POPIA, PAIA or the POPIA shall prevail;
- 5.11. This manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or all rights listed under the POPIA. The reader relying on any

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provisions of this Manual is advised to familiarise his/her/itself with the provisions of PAIA and the POPIA.

5. CONTACT DETAILS FOR THE FSTC NPC

6.1. CHIEF EXECUTIVE OFFICER

Name: Nobambo Mlandu
Tel: 087 062 5950
Email: nobambom@fstc.org.za

6.2. INFORMATION OFFICER

Name: Nobambo Mlandu
Tel: 087 062 5950
Email: nobambom@fstc.org.za

6.3. DEPUTY INFORMATION OFFICER

Name: Mfundo Masuku
Tel: 087 062 5950
Email: mfundom@fstc.org.za

6.4. NATIONAL OR HEAD OFFICE

Postal Address: Kopano on Empire, Suite 3, 30 Wellington Road, Parktown, 2197
Physical Address: Kopano on Empire, Suite 3, 30 Wellington Road, Parktown, 2197
Telephone: 087 062 5950
Email: info@fstc.org.za
Website: www.fstc.org.za

6. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 7.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 7.2. 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;
- 7.3. know the description of the records of the body which are available in accordance with any other legislation;
- 7.4. 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;
- 7.5. know the description of the guide on how to use PAIA, as updated by the Information Regulator and how to obtain access to it;

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- 7.6. 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 of the information or categories of information relating thereto;
- 7.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 7.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 7.9. 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
- 7.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

8. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 8.1. The Information 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.
- 8.2. The guide contains information on, inter alia:
 - 8.2.1. The objects of PAIA and POPIA;
 - 8.2.2. The manner and form of requests for access to records held by public and private bodies;
 - 8.2.3. The assistance available from the Information Regulator;
 - 8.2.4. The remedies available in law in the event of a refusal of access; and
 - 8.2.5. The rights of data subjects in terms of POPIA.
- 8.3. The guide is available in each of the official languages and may be obtained in the following manner:
 - 8.3.1. Website: <https://inforegulator.org.za>
 - 8.3.2. Physical address: JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001
 - 8.3.3. Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
 - 8.3.4. Telephone: +27 10 023 5200
 - 8.3.5. Email: enquiries@inforegulator.org.za

9. RECORDS AVAILABLE IN TERMS OF LEGISLATION OTHER THAN PAIA AND POPIA

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9.1. Constitutional and Administrative Legislation

- 9.1.1. Constitution of the Republic of South Africa, 1996
- 9.1.2. Promotion of Administrative Justice Act 3 of 2000
- 9.1.3. PAIA
- 9.1.4. POPIA

9.2. B-BBEE and Transformation Legislation

- 9.2.1. B-BBEE Act
- 9.2.2. B-BBEE Regulations, 2016
- 9.2.3. Financial Sector Code

9.3. Corporate Governance Legislation

- 9.3.1. Companies Act 71 of 2008
- 9.3.2. Companies Act Regulations, 2011

9.4. Employment and Labour Legislation

- 9.4.1. Labour Relations Act 66 of 1995
- 9.4.2. Basic Conditions of Employment Act 75 of 1997
- 9.4.3. Employment Equity Act 55 of 1998
- 9.4.4. Skills Development Act 97 of 1998
- 9.4.5. Skills Development Levies Act 9 of 1999
- 9.4.6. Unemployment Insurance Act 63 of 2001
- 9.4.7. Occupational Health and Safety Act 85 of 1993

9.5. Financial and Tax Legislation

- 9.5.1. Income Tax Act 58 of 1962
- 9.5.2. Tax Administration Act 28 of 2011
- 9.5.3. Value-Added Tax Act 89 of 1991

9.6. Information and Technology Legislation

- 9.6.1. Electronic Communications and Transactions Act 25 of 2002
- 9.6.2. Cybercrimes Act 19 of 2020

9.7. Other Applicable Legislation

- 9.7.1. Prevention and Combating of Corrupt Activities Act 12 of 2004
- 9.7.2. Financial Intelligence Centre Act 38 of 2001 (to the extent applicable)
- 9.7.3. Any other legislation applicable to the functions and operations of the FSTC NPC from time to time.

10. CATEGORIES OF RECORDS OF THE FSTC NPC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

- 10.1. The following records may be available without a formal request in terms of PAIA:

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Category of Records	Types of Records	Available on Website	Available Upon Request
Corporate Information	Company profile, services and contact details	Yes	Yes
Governance Information	Memorandum of Incorporation, Board and Council member information, governance framework		
Legal and Compliance	PAIA Manual, POPIA notices and policies	Yes	Yes
Financial Sector Code Information	Financial Sector Code, guidance notes, explanatory notices and circulars	Yes	Yes
Transformation Reporting	SoTARs, industry transformation reports and research publications	Yes	Yes
Research and Publications	Research reports, discussion papers, transformation studies and publications	Yes	Yes
Stakeholder Engagement	Public notices, consultation documents, stakeholder communications and event information	Yes	Yes
Employment Opportunities	Vacancies, internship opportunities and recruitment notices	Yes	Yes
Media and Communications	Press releases, newsletters, speeches and public statements	Yes	Yes
Marketing Material	Brochures and promotional material	Yes	Yes

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- 10.2. The records listed above are generally available without the submission of a formal request in terms of PAIA, subject to availability and any applicable confidentiality, intellectual property, security or legal restrictions.
- 10.3. The FSTC NPC may from time to time publish additional information on its website in the interests of transparency, accountability and stakeholder engagement.

11. DESCRIPTION OF THE RECORDS OF THE FSTC NPC WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

- 11.1. The FSTC NPC maintains records in accordance with various legislative, regulatory and governance obligations. Certain records may be accessed in accordance with the provisions of the legislation listed below, subject to any applicable confidentiality, privacy, privilege or other statutory restrictions.
- 11.2. Records are held in accordance with, inter alia, the following legislation:

Category of Records	Applicable Legislation
Company Records	COMPANIES ACT, NO. 71 OF 2008
Governance Records	COMPANIES ACT, NO. 71 OF 2008
B-BBEE Reporting Records	B-BBEE ACT
Financial Sector Transformation Records	FINANCIAL SECTOR CODE
Access to Information Records	PAIA
Personal Information Records	POPIA
Employee Records	LABOUR RELATIONS ACT 66 OF 1995
Employee Records	BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997
Employment Equity Records	EMPLOYMENT EQUITY ACT 55 OF 1998
Skills Development Records	SKILLS DEVELOPMENT ACT 97 OF 1998
Skills Development Records	SKILLS DEVELOPMENT LEVIES ACT 9 OF 1999
UIF Records	UNEMPLOYMENT INSURANCE ACT 63 OF 2001

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Occupational Health and Safety Records	OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993
Tax Records	INCOME TAX ACT 58 OF 1962
VAT Records	VALUE-ADDED TAX ACT 89 OF 1991
Tax Administration Records	TAX ADMINISTRATION ACT 28 OF 2011
Information Technology and Electronic Records	ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT 25 OF 2002
Cybersecurity and Incident Records	CYBERCRIMES ACT 19 OF 2020
SoTARs, Sector Research Reports and Transformation Monitoring Records	B-BBEE ACT AND THE FINANCIAL SECTOR CODE

12. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE FSTC NPC

12.1. The Private Body holds various records. The subjects on which the Private Body holds records and the categories of records held by the Private Body are reproduced in the tables below.

12.2. The listing of a category or subject matter in this manual does not guarantee access to such records. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and other applicable legislation. A request for records shall be made in the prescribed form set out later in this manual under the heading “FORM OF REQUEST FOR RECORDS”.

INTERNAL ADMINISTRATION, COMPLIANCE AND MANAGEMENT

Categories of Records
Records and minutes of the meetings of the owners and/or managers of the Private Body
Records relating to the creation and/or registration of the Private Body
Legislative compliance
Regulatory reports

HUMAN RESOURCES

Categories of Records
Employee records

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Employment contracts
Payroll records
Leave records
Performance appraisals
Disciplinary records
Pension and provident fund records
Employment Equity records
Health and safety records
Any personal records provided to the Private Body by their employees
List of employees
Conditions of employment and other employee-related contractual and quasi-legal records
Employee tax and insurance fund information including unemployment insurance fund contributions, group life, disability and income protection
Internal evaluation records
Codes of conduct as well as the relevant disciplinary codes and procedures
All internal policies applicable and accessible to the employees
Any records a third party has provided to the Private Body about any of their employees
Other internal records and correspondence relating to employees

FINANCIAL RECORDS

Categories of Records
Annual financial statements and other accounting records
Accounting records
Taxation records

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Banking records
Debtors and creditors records
Insurance records
Banking statements

MEASURED ENTITY AND REPORTING RECORDS

Categories of Records
B-BBEE Certificates submitted by measured entities
B-BBEE Verification Reports
Sworn Affidavits submitted by Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs)
Reporting questionnaires completed by measured entities
Annual reporting submissions
Supporting documentation submitted by measured entities
Historical reporting records
Sector transformation performance data
Statistical reporting data
Reporting databases
Reporting correspondence
Records relating to reporting compliance

SERVICE PROVIDERS, SUPPLIER AND THIRD-PARTY RECORDS

Categories of Records
Supplier agreements
Service level agreements

COUNCIL MEMBERS

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Vendor records
Third-party due diligence records
Lists of service providers and suppliers
Service providers' and suppliers' terms and conditions

RESEARCH AND TRANSFORMATION MONITORING RECORDS

Categories of Records
SoTARs
Sector transformation reports
Transformation monitoring reports
Research reports
Industry studies
Benchmarking studies
Survey results and analyses
Economic transformation assessments
Research datasets
Research methodologies
Statistical analyses and reports
Research correspondence

FINANCIAL SECTOR CODE GOVERNANCE RECORDS

Categories of Records
Financial Sector Code documentation
Guidance Notes

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Interpretation Notes
Technical opinions
Consultation papers
Stakeholder submissions
Public comment records
Records relating to amendments of the Financial Sector Code
Records relating to engagements with Government Departments
Records relating to engagements with the B-BBEE Commission
Records relating to engagements with the Department of Trade, Industry and Competition
Sector transformation policy records

STAKEHOLDER ENGAGEMENT RECORDS

Categories of Records
Stakeholder engagement records
Stakeholder meeting minutes
Stakeholder correspondence
Workshop records
Conference records
Event records
Stakeholder presentations
Media statements
Newsletters
Public participation records

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Industry engagement records

Communication and awareness campaign records

COMPLIANCE AND RISK MANAGEMENT RECORDS

Categories of Records

Risk registers

Internal audit reports

Compliance reports

Regulatory correspondence

Governance and ethics records

Conflict of interest declarations

Fraud prevention records

Investigation records

Whistleblowing reports

Compliance monitoring records

Policy registers

Business continuity records

INFORMATION TECHNOLOGY AND INFORMATION SECURITY RECORDS

Categories of Records

Information technology policies

Information security policies

System access records

User access registers

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System audit logs
Data management records
Backup records
Disaster recovery records
Cybersecurity incident records
Information security assessments
Software licence records
Technology asset registers

ASSET RECORDS

Categories of Records
Asset registers (moveable or immovable)
Insurance records relating to assets

13. REQUEST PROCEDURE AND FORM OF REQUEST

13.1. Any person requesting access to a record held by the Private Body must submit a request in writing.

13.2. Requests must be submitted:

- 13.2.1. by email to the Information Officer;
- 13.2.2. electronically through any available platform provided by the Private Body; or
- 13.2.3. by physical delivery to the registered address of the Private Body.

13.3. Requests must be submitted using:

- 13.3.1. Form 2 prescribed by the Information Regulator; or
- 13.3.2. a substantially similar form containing all required information.

13.4. The request must contain:

- 13.4.1. sufficient details to identify the record requested;
- 13.4.2. proof of identity of the requester; and
- 13.4.3. proof of authority where the request is made on behalf of another person.

13.5. The Private Body shall:

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- 13.5.1. acknowledge receipt of the request;
- 13.5.2. process the request in accordance with PAIA; and
- 13.5.3. notify the requester of the outcome within 30 (thirty) days, subject to lawful extension.

13.6. Where access is refused, the requester shall be informed of:

- 13.6.1. the reasons for refusal;
- 13.6.2. the right to lodge a complaint with the Information Regulator; and
- 13.6.3. the right to apply to a court of competent jurisdiction.

14. FEES PRESCRIBED IN TERMS OF THE REGULATIONS

14.1. The fees payable in respect of requests for access to records are prescribed in terms of regulations issued under the Promotion of Access to Information Act 2 of 2000 ("PAIA").

14.2. Fees are prescribed by regulation and may change from time to time. Requesters are advised to consult the latest fee schedule as published by the Information Regulator.

14.3. The applicable fees may include, where relevant:

- 14.3.1. a request fee, which is payable upon submission of a request (other than for personal requests);
- 14.3.2. an access fee, which is payable for the reproduction, preparation, and/or search for the requested record; and
- 14.3.3. a deposit, which may be required where the preparation of the record exceeds the prescribed time threshold.

14.4. The Private Body will notify the requester of:

- 14.4.1. the applicable fees payable;
- 14.4.2. the manner of payment; and
- 14.4.3. whether a deposit is required prior to processing the request.
- 14.4.4. Records may be withheld until the applicable fees have been paid in full.

14.5. A requester may lodge a complaint with the Information Regulator or apply to a court of competent jurisdiction where there is a dispute regarding:

- 14.5.1. the payment of fees; or
- 14.5.2. the amount of fees payable.

14.6. The latest prescribed fee structure is available from the Information Regulator and may be accessed on its official website: <https://info regulator.org.za>

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PART B

15. PROCESSING OF PERSONAL INFORMATION

- 15.1. The FSTC NPC processes personal information in the course of carrying out its functions and responsibilities, including its obligations in terms of the B-BBEE Act, the Financial Sector Code, the PAIA and the POPIA.
- 15.2. Personal information may be collected directly from data subjects or from authorised third parties, including measured entities, verification agencies, service providers, employees, contractors, regulatory bodies and public sources.
- 15.3. The FSTC NPC processes personal information in a lawful and reasonable manner that does not infringe the privacy rights of data subjects and in accordance with the conditions for lawful processing prescribed in POPIA.
- 15.4. Personal information processed by the FSTC NPC may include information relating to employees, directors, council members, service providers, measured entities, authorised representatives, stakeholders, contractors and other persons whose information is required for the performance of the FSTC NPC's functions.
- 15.5. The FSTC NPC shall take reasonable steps to ensure that personal information is complete, accurate, not misleading and updated where necessary having regard to the purpose for which it is collected and processed.
- 15.6. The FSTC NPC shall implement appropriate technical and organisational measures designed to safeguard personal information against loss, damage, unauthorised access, disclosure, alteration or destruction.
- 15.7. Data subjects have the right, subject to applicable legislation, to:
 - 15.7.1. request confirmation as to whether the FSTC NPC holds personal information relating to them;
 - 15.7.2. request access to their personal information;
 - 15.7.3. request the correction, updating or deletion of personal information;
 - 15.7.4. object to the processing of personal information on reasonable grounds where permitted by law;
 - 15.7.5. submit a complaint to the Information Regulator; and
 - 15.7.6. institute civil proceedings regarding the alleged interference with the protection of their personal information.
- 15.8. Personal information shall only be processed for specific, explicitly defined and lawful purposes related to the activities and functions of the FSTC NPC and shall not be further processed in a manner incompatible with those purposes.

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- 15.9. The FSTC NPC may disclose personal information where such disclosure is required by law, necessary for the performance of its statutory functions, authorised by the data subject, or otherwise permitted in terms of POPIA.

16. PURPOSE OF PROCESSING PERSONAL INFORMATION

- 16.1. The purposes for which personal information may be processed include
- 16.1.1. compliance with legal and regulatory obligations;
 - 16.1.2. employment administration;
 - 16.1.3. administration of transformation reporting;
 - 16.1.4. collection and analysis of B-BBEE information;
 - 16.1.5. monitoring compliance with the Financial Sector Code;
 - 16.1.6. production of sector transformation reports;
 - 16.1.7. stakeholder engagement;
 - 16.1.8. governance and administration of the Council;
 - 16.1.9. employment administration;
 - 16.1.10. procurement and supplier management;
 - 16.1.11. financial and accounting administration; and
 - 16.1.12. information technology and systems administration.

17. DESCRIPTION OF DATA SUBJECTS AND INFORMATION PROCESSED

- 17.1. The Private Body processes certain personal information, as defined in the POPIA, (“Personal Information”) relating to several data subjects, from time to time. A data subject is the person, (natural or juristic), to whom Personal Information relates and from whom the Private Body collects and processes information.
- 17.2. A description of the data subjects, (individuals and juristic persons), the information relating thereto, the purpose of processing that information and the recipients of that Personal Information is reproduced in the tables below.

DATA SUBJECTS: EMPLOYEES		
Personal Information processed:	Source of Personal Information:	Is this supply of Personal Information mandatory of voluntary?:
Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, age, physical or mental health, well-being, disability, religion,	Employment Equity Form	Mandatory

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culture, language and the birth of the person		
Information relating to the education or the medical, financial, criminal or employment history of the person	Police Clearance Certificate	Mandatory
Will any of the Personal Information be transferred to another country or international organisation?		
No		
<u>Purpose of processing Personal Information:</u>		
Legislative compliance		
<u>Recipient or categories of recipients to whom the Personal Information is supplied:</u>		
Department of Education and Department of Labour		
<u>The consequences of failure to provide information:</u>		
Non compliance		

18. RECIPIENTS OF PERSONAL INFORMATION

Category of Personal Information	Recipients or Categories of Recipients
Payroll Information	Payroll administrators and banks
Employee Information	SARS, Department of Labour and retirement fund administrators
Employment Equity Information	Department of Employment and Labour
Skills Development Information	Sector Education and Training Authorities (SETAs) and the Department of Higher Education and Training
Identification Information	Verification agencies, regulatory authorities and authorised service providers
Financial Information	Auditors, accountants, financial institutions and regulatory authorities
Supplier and Service Provider Information	Auditors, accountants, banks and authorised personnel of the FSTC NPC

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Measured Entity Information	Authorised personnel of the FSTC NPC, the Council, Government Departments, the B-BBEE Commission and other authorised regulatory or oversight bodies where required by law
Reporting Information	Authorised personnel of the FSTC NPC and authorised third parties involved in reporting, research, monitoring and evaluation activities
Governance Information	Auditors, regulatory authorities, legal advisors and authorised personnel of the FSTC NPC
Website User Information	Website hosting providers, information technology service providers and website analytics service providers
Research and Statistical Information	Researchers, consultants and authorised stakeholders, provided that personal information is anonymised or disclosed in accordance with applicable legislation
Personal Information Generally	Any person or entity where disclosure is required by law, court order, regulatory requirement or with the consent of the data subject

19. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

19.1. The Private Body implements appropriate technical and organisational security measures to protect personal information.

19.2. Physical security measures include:

- 19.2.1. access control to premises;
- 19.2.2. security gates and visitor control;
- 19.2.3. CCTV monitoring;
- 19.2.4. secure storage of physical records; and
- 19.2.5. shredding of confidential documents.

19.3. Cyber security measures include:

- 19.3.1. firewalls;
- 19.3.2. anti-virus and anti-malware protection;
- 19.3.3. password protection;
- 19.3.4. automatic system locking;
- 19.3.5. data backups;
- 19.3.6. restricted system access; and
- 19.3.7. cyber security monitoring.

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20. SPECIAL PERSONAL INFORMATION

- 20.1. To the extent that Special Personal Information is received and/or processed by the FSTC NPC, whether directly from a data subject or indirectly through information submitted by a measured entity, verification agency, service provider, employee, contractor or other third party, such information shall only be processed where:
- 20.1.1. the processing is permitted in terms of POPIA;
 - 20.1.2. the data subject has provided consent where such consent is required by law;
 - 20.1.3. the processing is necessary for the exercise or performance of a right or obligation in law; or
 - 20.1.4. the processing is otherwise authorised in terms of sections 27 to 33 of POPIA.
- 20.2. The following Special Personal Information is so processed:
- 20.2.1. Race information;
 - 20.2.2. Disability information;
 - 20.2.3. Health information;
 - 20.2.4. Criminal record information; and
 - 20.2.5. Employment equity information.
- 20.3. The FSTC NPC shall implement appropriate technical and organisational measures to safeguard any Special Personal Information that may come into its possession and shall limit access thereto on a strict need-to-know basis.
- 20.4. Where Special Personal Information is inadvertently received and is not required for any lawful purpose, the FSTC NPC shall take reasonable steps to securely delete, destroy or de-identify such information in accordance with applicable legislation.

21. CROSS-BORDER PROCESSING

- 21.1. The Private Body may, from time to time, need to transfer authorised Personal Information to another country for storage purposes or for the rendering of services by a foreign third-party service provider or otherwise. The FSTC NPC shall ensure that any person to whom we pass data subjects' Personal Information agrees to treat their information with the same level of protection as it is obliged to in terms of section 72 of the POPIA.

22. PERSONAL INFORMATION SECURITY COMPROMISES AND BREACH NOTIFICATION

- 22.1. The FSTC NPC shall take appropriate, reasonable technical and organisational measures to prevent the loss of, damage to, unauthorised destruction of, unlawful access to, or unlawful processing of personal information under its control.
- 22.2. Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by an unauthorised person, the FSTC NPC shall, in accordance with section 22 of the POPIA, notify:

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22.2.1. the Information Regulator; and
22.2.2. the affected data subject or data subjects,
as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and restore the integrity of the information system concerned.

22.3. The notification referred to above shall, where possible, provide sufficient information to allow the affected data subject to take protective measures against the potential consequences of the security compromise.

22.4. The FSTC NPC shall maintain internal procedures for identifying, reporting, investigating and responding to actual or suspected security compromises involving personal information.

22.5. All employees, contractors and service providers processing personal information on behalf of the FSTC NPC shall be required to report any actual or suspected security compromise immediately upon becoming aware thereof.

23. RETENTION OF PERSONAL INFORMATION

23.1. The FSTC NPC shall retain records containing personal information only for as long as is necessary to achieve the purpose for which the information was collected and processed, unless a longer retention period is required or authorised by law.

23.2. Subject to any applicable legislative, regulatory, contractual or operational requirements, the FSTC NPC generally retains personal information and related records for a period of 5 (five) years from the date on which the information was collected, the relationship terminated, or the relevant matter was concluded, whichever occurs last.

23.3. Upon expiry of the applicable retention period, the FSTC NPC shall take reasonable steps to securely destroy, delete or de-identify personal information that is no longer required.

23.4. Notwithstanding clause 22.2, the FSTC NPC may retain certain records beyond the prescribed retention period where such records:

- 23.4.1. are required for historical, statistical, reporting, research or analytical purposes;
- 23.4.2. are required for compliance with applicable legislation or regulatory obligations;
- 23.4.3. are required for the establishment, exercise or defence of legal rights; or
- 23.4.4. have been de-identified to the extent that the information can no longer be linked to an identifiable data subject.

23.5. Where personal information is retained for research, statistical or reporting purposes, the FSTC NPC shall implement appropriate safeguards to protect the privacy of data subjects and shall process such information in accordance with the provisions of POPIA.

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24. AVAILABILITY OF THE MANUAL

24.1. A copy of the Manual is available-

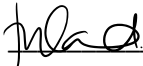
- 24.1.1. on fstc.org.za;
- 24.1.2. head office of the FSTC NPC for public inspection during normal business hours;
- 24.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
- 24.1.4. to the Information Regulator upon request.

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

25. UPDATING OF THE MANUAL

25.1. This manual shall be reviewed and updated periodically by legislative or operational charges.

SIGNED at PARKTOWN on this 5TH day of AUGUST 2026.



Nobambo Mlandu

CEO and Information Officer

Duly authorised thereto

COUNCIL MEMBERS

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