



## **PAIA MANUAL OF MSCI SOUTH AFRICA**

## 1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gave 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.

In terms of Section 51 of the Act, all private bodies are required to compile an information manual ("Manual"). This Manual was prepared in accordance with Section 51 of the Act and the Protection of Personal Information Act, Act No 4 of 2013 ("POPI").

## 2. Purpose of the manual

As part of its operations and services MSCI South Africa Branches ("MSCI") retain information and documents, including personal information.

If a request is made in terms of the Act, MSCI is obliged to give access to the record requested except where exception applies in terms of the Act.

The manual intends to give an overview of records held by MSCI and guidance on how requests are to be made in terms of the Act and POPI.

The manual also provides the relevant contact details of persons who will assist you as the data subject, with the exercise of your rights in terms of POPI and PAIA.

## 3. MSCI South Africa

In this Manual, any reference to MSCI includes any of the following entities:

- Investment Property Databank South Africa (Pty) Limited (South Africa)

Business Name	Investment Property Databank South Africa (Pty) Ltd
Registration Number	2002/016160/07
Registered Office	SPACES SUNCLARE 21 DREYER STREET CLAREMONT CAPE TOWN WESTERN CAPE

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	7708
Postal Address	SPACES SUNCLARE 21 DREYER STREET CLAREMONT CAPE TOWN WESTERN CAPE 7708

- Barra International, LLC (South Africa Branch)

Business Name	Barra International LLC (South Africa)
Registration Number	1996/07716/10
Registered Office	SPACES SUNCLARE 21 DREYER STREET CLAREMONT CAPE TOWN WESTERN CAPE 7708
Postal Address	SPACES SUNCLARE 21 DREYER STREET CLAREMONT CAPE TOWN WESTERN CAPE 7708

- Burgiss Pty LTD. (South Africa Branch), registration number: 2009/021369/07

Business Name	BURGISS (PTY) LTD
Registration Number	2009/021369/07
Registered Office	4TH FLOOR, BOSMAN'S BUSINESS CENTRE, 1 DISTILLERY STREET, BOSMAN'S CROSSING, STELLENBOSCH, 7600

Postal Address	THE VINEYARD, BLOCK B, CNR ADAM TAS & DEVON VALLEY ROADS, STELLENBOSCH, 7600
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Background information of MCSI as well as our processing activities can be found at <https://www.msci.com>

#### 4. Contact details of the Information Officer

Under the POPI, organizations are required to appoint an Information Officer, who is responsible for encouraging compliance with the provisions of POPI. We therefore have created an office of the chief Privacy Officer who will be responsible for conducting all duties of the Information officer on behalf of MCSI and its subsidiaries.

##### The Information Officer's contact details:

Physical Address: Amar Sandeep  
Chief Privacy Officer  
MSCI Limited  
Ninth Floor, Ten Bishops Square, Spitalfields  
London E1 6EG UK

Email Address: [privacy@msci.com](mailto:privacy@msci.com)

Phone number: (833)-548-0230

#### 5. Information Regulator PAIA Guides in terms of Section 10 of the Act

- The South African Information Regulator (“InfoReg”) has issued a guide on how to use the Act as prescribed by Section 10 of PAIA. This guide contains information to assist individuals who wish to exercise their rights in terms of both the POPI and PAIA.

Availability of the PAIA guides:

1. You may **inspect** the guide at any of the MCSI offices during ordinary working hours.
2. You may **request** a copy from the Information Officer by submitting “, the forms found [here](#)

3. You may also request a copy of the guide from Information Regulator at the following details:

**Information Regulator:**

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 (10) 023-5200

Website: [www.inforeg.org.za](http://www.inforeg.org.za)

Email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

PAIA Complaints E-mail: [PAIACompliance@inforegulator.org.za](mailto:PAIACompliance@inforegulator.org.za)

POPI Complaints E-mail: [POPIACompliance@inforegulator.org.za](mailto:POPIACompliance@inforegulator.org.za)

**6. Latest notices in terms of section 52(2) of PAIA**

At this stage no notice has been published on the categories of records available without having to request access to them in terms of PAIA.

**7. Records held by MSCI**

MSCI holds and/or processes the following records for the purposes of PAIA and POPI.

8.1 The following records are available on the MSCI website without a request:

- Terms of Use: [Terms of use - MSCI](#)
- Privacy Notice: [Privacy notice - MSCI](#)
- Cookie Notice: [Cookie Notice - MSCI](#)
- Services rendered by MSCI

8.2 Categories of records held by MSCI

The following categories of records are held by MSC that are available on request access. Each request will be evaluated in terms of PAIA and any other applicable legislation.

Products and/or Services

- All products and/or services are available freely on the Company's websites.

Human Resources

- Employment contracts
- Employee benefits

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- Personnel Records and correspondence
- Training records
- Internal policies
- Information pertaining to share options, share incentives, bonus or profit-sharing agreements of each employee
- Pension and provident fund records

### Legal

- Agreements with Clients
- Agreement with Suppliers
- Shareholders agreements
- Licenses and Permits
- Power of attorneys
- Sale agreements
- Lease agreements

### Company Secretarial

- Memorandum of Corporation
- Secretarial record
- Tradename registrations
- Trademark registrations
- Company registration documents
- Statutory registers
- Minutes of shareholder's meetings
- Minutes of director's meetings
- Register of Directors
- Share Certificates

### Financial

- Accounting records
- Annual reports
- Interim reports

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- Auditor details and reports
- Tax return
- Insurance records

### Client

- Client database
- Credit Applications
- Correspondence with Clients
- Documentation prepared for Clients
- Invoices, receipts, credit and debit notes

### Marketing

- Published Marketing materials

### Miscellaneous

- Internal Correspondence
- Information technology records
- Domain name registrations
- Website information
- Asset registers
- Title deeds

## 8.3 Records held by MSCI in terms of other legislation

MSCI retains several records in accordance with legislation which applies to it, including but not limited to:

- Basic Conditions of Employment Act No. 75 of 1997;
- Companies Act No. 71 of 2008;
- Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- Constitution of the Republic of South Africa 2008;
- Employment Equity Act No. 55 of 1998;
- Electronic Communications and Transaction Act No. 25 of 2002;
- Identification Act No.68 of 1997;

- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936;
- Intellectual Property Laws Amendment Act 38 of 1997;
- Labour Relations Act No. 66 of 1995;
- Prevention of Organised Crime Act No. 121 of 1998;
- Skills Development Levies Act No. 9 of 1999;
- Stock Exchanges Control Act No. 1 of 1985;
- Occupational Health and Safety Act No. 85 of 1993;
- Unemployment Insurance Act No. 30 of 1966;
- Value Added Tax Act 89 of 1991.
- National Payment Systems Act No 78 of 1998
- The Criminal Procedures Act No. 51 of 1977
- Maintenance Act No. 99 of 1998
- Cybercrimes Act No. 19 of 2020

## **8. Process for requests to information**

Any request for access to records of MSCI South Africa is subject to PAIA and in respect of PI, POPI.

The requester must complete the prescribed form found [here](#), submit it to the Information Officer at the details specified in paragraph 4 of this PAIA manual.

- The prescribed form must be completed with enough particularity to enable the information officer to determine:
  - The record(s) requested;
  - The identity of the requestor;
  - What form of access is required; and
  - Contact details of the requestor.
- The requestor must state that the records are required for the requestor to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. An explanation of why the records requested is required to exercise or protect the right.
- Should the requestor have any difficulty with the form or the process laid out herein, the requestor should contact the Information Officer for assistance.



- An oral request can be made to the Information Officer should the requestor be unable to complete the form due to illiteracy or a disability. The Information Officer will complete the form on behalf of the requestor and provide a copy of the form to the requestor.
- The Information Officer must communicate a response to the request for access using a prescribed form, this communication shall inform the requestor of:
  - The decision;
  - Fees payable in terms of paragraph 11.
    - In the event that the Information Officer is of the opinion that the searching and preparation of the record for disclosure would amount to more than 6 hours, he/she shall inform the requestor to pay a deposit not exceeding one third of the amount payable.
- Following the response to the request from the information officer, the requestor must submit payment or proof of payment as may be applicable by either post, Physical Address, facsimile or electronical mail indicated hereto.
- The requester may lodge a complaint with the Information Regulator or a court application against the rendering of the access fee.
- The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfies the Information Officer that the request be dealt with sooner.
- If the Information Officer fails to give the decision or request an extension on a request within thirty days, the request will be deemed to be refused.
- The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, the requestor consents to the extension in writing or the request requires a search for information held at another office of MCSI and the information cannot be reasonably obtained within 30 days. The information officer will notify the requestor in writing should an extension be necessary.
- In the event of payment being made and the request denied, the Information officer must cause the fees paid over to be returned to the requestor.

## 9. Grounds for Refusal

MCSI may refuse to grant access upon the following grounds:

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- the disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual;
- when there is a mandatory protection of commercial, confidential or research information of both a third party and MSCI;
- A confidentiality Agreement is in place between the responsible party and a third party;
- protection of safety of individuals and protection of property;
- protection of records privileged from production in legal proceedings;
- research information that when disclosed would disadvantage the research or researcher.
- if the request is manifestly frivolous or vexatious, or an unreasonable diversion of resources.

If all reasonable steps have been taken to find a record and there are reasonable grounds for believing that the record is in the private body's possession but cannot be found or does not exist. The Information Officer shall notify the requester that it is not possible to give access to the record.

### 10. Remedies

MSCI does not have internal appeal procedure. The decision made by the Information Officer is final.

The requestor may in accordance with Section 53(3)(c) and 78 of PAIA apply to court for a relief within 180 days of notification of the decision of the Information Officer.

If the request for access is refused the Information Officer shall notifies requestor about:

- reasons for the refusal
- information on the procedure for lodging an application against the refusal, as indicated above.

### 11. Applicable fees

The Information Officer requires the requester to pay the prescribed request fee before further processing the request. The applicable fees are:

**Fees in Respect of Private Bodies**

	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc • If provided by requester • If provided to the requester	R40.00  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	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requester) (ii) Compact disc • If provided by requester • If provided to the requester	R40.00  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."

**12. Protection of personal information**

Please refer to our Privacy Notice for details of our processing activities at <https://www.msci.com/privacy-pledge>.

**Objections, Correction and Deletion:**

- Section 11(3) of POPI and regulation 2 of the POPI regulations provides that a data subject may, at any time object to the processing of their personal information in the prescribed [form](#).
- Section 24 of POPI and regulation 3 of the POPI regulations provides that a data subject may request for their personal information to be corrected and/or deleted in the prescribed [form](#).

**13. Update of the manual**

MSC will update this Manual at such intervals as may be deemed necessary but at least on an annual basis.