

Morgan Stanley: PAIA Manual

1 Contact details

1.1 Information Officer

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Designation: Registered Compliance Officer
Tel: +27 11 282 8630
Email: Mark.Pellew@rmbmorganstanley.com

1.2 Access to information general contacts

Email: dataprotectionoffice@morganstanley.com

1.3 National or Head Office

Postal Address: 3rd Floor 200 on Main cnr Main
Bowwood Road
Claremont 7708

Physical Address: 140 West Street
South Tower Floor 10
Sandton, 2196
Johannesburg

Telephone: +27 11 587 0800

Email: dataprotectionoffice@morganstanley.com

Website: <https://www.morganstanley.com>

2 PAIA Guide

2.1 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.

2.2 The aforesaid Guide contains the description of-

- (1) the objects of PAIA and POPIA;
- (2) the postal and street address, phone and fax number and, if available, electronic mail address of-
 - (a) the Information Officer of every public body, and

- (b) every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- (3) the manner and form of a request for -
 - (a) access to a record of a public body contemplated in section 11; and
 - (b) access to a record of a private body contemplated in section 50;
- (4) the assistance available from the IO of a public body in terms of PAIA and POPIA;
- (5) the assistance available from the Regulator in terms of PAIA and POPIA;
- (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 -
 - (a) an internal appeal;
 - (b) a complaint to the Regulator; and
 - (c) an application with a court against a decision by the information officer 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;
- (7) the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- (8) the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - (a) the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - (b) the regulations made in terms of section 92.

2.3 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

2.4 The Guide can also be obtained -

- (1) upon request to the Information Officer;
- (2) from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

2.5 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

- (1) English
- (2) Africans

3 **Records**

3.1 Description of records available without submitting an access request in terms of PAIA

- (1) Companies Act records
 - (a) CIPC Registration Records, e.g. records relating to the appointment of directors/ auditor / secretary/ public officer and other officers

3.2 Description of records which are available in accordance with other legislation

- (1) Memorandum of incorporation, available in terms of the *Companies Act 71 of 2008*
- (2) PAIA Manual, available in terms of the *Promotion of Access to Information 2 of 2000* and the *Protection of Personal information Act 4 of 2013*.

3.3 Description of subjects on which Morgan Stanley holds records and categories of records held in relation to subjects

Please note that the below is not exhaustive and may change over time. When this happens, we will update this manual.

- Strategic Documents, Plans, Proposals:
 - Annual Reports, Strategic Plan, Annual Performance Plan;
- Human Resources:
 - HR policies and procedures
 - Advertised posts
 - Employees records
 - General terms of employment
 - Leave records
 - Performance management records
 - Staff personnel information
 - Health and safety records
 - Training records
- Companies Act Records:
 - Records kept in terms of the Companies Act, 1973 and 2008, including:
 - Memorandum and articles of association
 - Memorandum of incorporation
 - Records relating to appointment of directors/auditor/secretary/public officer and other officers;
 - Share register;
 - Other statutory registers, asset register, minute books, mandates and resolutions.
- Financial Records
 - Annual financial statements
 - Tax returns
 - Accounting records
 - Banking records
 - BBBEE audit records
 - Documents issued to employees for income tax purposes
 - Records of payments made to SARS
 - All other statutory records including VAT records, regional services levies, skills development levies, information stored on fleet cards, travel related expenses and information, insurance records and UIF payments.
- Information Technology
 - Infrastructure and systems
 - Contracts and agreements
 - Asset registry and user agreements

- Information policies, standards, procedures and guidelines
- Access control records
- Network and security architectures
- Intellectual Property
 - Documents relating to trademarks, logos, designs, formulae and materials
- Marketing and Communication
 - New business development
 - Marketing strategies
 - Communication strategies
 - Marketing brochures
 - Client contact details
 - Media releases
 - Client business information
- Secretarial and Governance
 - Codes of conduct
 - Meetings of minutes
 - Legal compliance records
 - Policies and procedures

4 Purpose of processing of personal information

4.1 Morgan Stanley uses personal information under its care in the following ways:

- (1) If necessary for our legitimate interests, (in each case provided such interests are not overridden by your privacy interests) or necessary for taking steps to enter into or executing a contract with you for the services or products you request, or for carrying out our obligations under such a contract.
- (2) When dealing with us as an individual, where necessary for taking steps to enter into or executing a contract with you for the services or products you request; or for carrying out our obligations under such a contract, in this case, the provision of your personal information is a requirement necessary to enter into a contract with us, meaning that you are obliged to provide your personal information to us in order to carry out the relevant contract.
- (3) To exercise and defend our legal rights anywhere in the world including in relation to any litigation, disputes or contentious matter we or that of any associated firm anywhere in the world are involved in and/or to assist with investigations, complaints, regulatory requests, litigation, arbitration, mediation or requests from individuals;
- (4) In order to comply with legal and regulatory obligations and requests, (including any legal or regulatory guidance, codes or opinions), applicable to us anywhere in the world or for the performance of a task carried out in the public interest

For more detail please refer to our privacy policy available on our [website](#).

5 A description of the categories of data subjects and of the information / categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	<p data-bbox="655 293 1350 367">Nature of the personal information processed in respect of the categories of data subjects, includes, in relation to:</p> <ul data-bbox="703 432 1350 1361" style="list-style-type: none"> <li data-bbox="703 432 1350 824">- Natural persons: name, gender, medical information, biometric information, pregnancy, marital status, race, age, date of birth, language, education information, financial information, employment history, identity number, physical and postal addresses, contact details, criminal behaviour, disability, personal opinions, views, views and opinions of another individual about the data subject. <li data-bbox="703 891 1350 1104">- Juristic persons / entities: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories and financial information. <li data-bbox="703 1149 1350 1361">- Service providers: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories, and financial information.
Service Providers and Suppliers	
Existing and former employees and job applicants	
Directors and officers within Morgan Stanley	
Shareholders	

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

6.1 Morgan Stanley may supply personal information to the following recipients:

- (1) Within Morgan Stanley;
- (2) Regulatory, statutory and government bodies;
- (3) Service providers;
- (4) Suppliers;
- (5) Customers;
- (6) Professional advisors;
- (7) Employees of Morgan Stanley;

- (8) Shareholders and other stakeholders;
- (9) A potential acquirer of Morgan Stanley or any of its divisions as part of a due diligence process; and
- (10) Banks and other financial institutions.

Disclosures will be made subject to applicable law. We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

7 Planned transborder flows of personal information

- 7.1 Morgan Stanley intends to transfer personal information, subject to applicable law, to third parties in other countries who provide us with data hosting services on foreign cloud-based servers. We require such third parties to adhere to applicable law in respect of such cross-border transfer of personal information, and to respect the security of your personal information and to treat it in accordance with the law.
- 7.2 As part of an international group, we may sometimes have to send personal information to other countries for the purposes of fulfilling our contractual obligations or to meet business needs. If this is the case, we require that all third parties undertake to protect your personal information to the same level that we do.

For more detail please refer to our privacy policy available on our [website](#).

8 General description of Information Security Measures to be implemented by Morgan Stanley South Africa (Pty) Ltd to ensure the confidentiality, integrity and availability of the information

- 8.1 Morgan Stanley has established and maintains appropriate, reasonable technical and organisational measures to ensure the integrity of personal information in its care and control, and to ensure that such personal information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.
 - (1) Morgan Stanley utilises up to date technology to ensure the confidentiality, integrity and availability of personal information, measures used include:
 - (a) Firewalls;
 - (b) Virus protection software and update protocols;
 - (c) Appropriate access control; and
 - (d) Secure setup of hardware and software forming the IT infrastructure.

For more detail please refer to our privacy policy available on our [website](#).

9 AVAILABILITY OF THE MANUAL

- 9.1 A copy of the Manual is available-
 - (1) on <https://www.morganstanley.com/about-us/global-offices/europe-middle-east-africa/south-africa>;
 - (2) head office of Morgan Stanley for public inspection during normal business hours;
 - (3) to any person upon request and upon the payment of a reasonable prescribed fee; and

- (4) to the Information Regulator upon request.
- (5) A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, will be payable per each A4-size photocopy made.

10 Privacy Policy

For more information about how Morgan Stanley processes your personal information, including the rights you have under applicable data protection laws, please consult the applicable [Morgan Stanley Privacy Policy](#).