	<b>Briefing Note</b>	<b>Unique Identifier</b>	<b>240-162588640</b>
		<b>Revision</b>	<b>1</b>
		<b>Revision Date</b>	<b>1 March 2024</b>
		<b>Generation Security</b>	

<b>CLASSIFICATION</b>	<b>CONTROLLED DISCLOSURE (FOR INTERNAL USE ONLY)</b>	<b>DATE</b>	1 AUGUST 2022
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<b>FOR ATTENTION</b>	GENERATION DIVISION CLUSTER GENERAL MANAGERS- GENERATION DIVISION POWER STATION GENERAL MANAGERS RISK & ASSURANCE MANAGERS HUMAN RESOURCES MANAGERS PROCUREMENT MANAGERS PROJECT MANAGERS SAFETY MANAGERS INDUSTRIAL RELATIONS MANAGERS SECURITY MANAGERS	<b>ACTION REQUIRED</b>	IMPLEMENTATION AND COMPLIANCE
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<b>FROM</b>	RHULANI MATHEBULA GROUP EXECUTIVE GENERATION DIVISION ACTING	<b>CONTACT</b>	011 800 5228
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<b>SUBJECT</b>	<b>CRIMINAL CLEARANCE/CHECKS FOR CONTRACTORS ACCESSING POWER STATIONS (NKP)</b>		
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## INTRODUCTION

Eskom Holdings SOC Ltd as an entity is a State-Owned Company and therefore subject to regulatory compliance as applicable to Government. Generation Business Units are of strategic importance and most facilities are designated as National Key Points in terms of the National Key Point Act 102 of 1980. The State Security Agency (SSA) in the execution of the National Strategic Intelligence Act 39 of 1994 advised Eskom as a State-Owned Company (SOC), to comply with the requirements of Paragraph 5 of Chapter 5 of the Minimum Information Security Standard (MISS) and to implement a screening process which intends to identify individuals whom might through their actions and / or behavior, could pose a risk to the operations of Eskom Holdings SOC Ltd.

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The screening process aims at ensuring a certain the level of protection to the workforce, assets, and information. The SSA advised Eskom Holdings SOC Ltd to implement the screening process across business, including permanent and contract employees.

The security screening of the contractors needs to take place before a contractor is allowed onsite. The extent to which the company/contractor (company employees) will have access to sensitive information or critical plant areas at the installation in question, is determined by the Scope of Work to be performed in terms of the contract awarded. Therefore, contractor’s criminal check is essential to determine an individual’s background status prior to access being granted to site at the power stations.

**PURPOSE**

The purpose of this document is to describe the criminal background check / screening requirements prior to contractor employees being granted access to National Key Point. Also, to map a standardized framework within Generation involving the requirement to be stipulated in the procurement / tender processes and relevant documentation required prior to contract awarding.

**Relevant Legislations**

Minimum Information Security Standards (MISS), 1996

National Key Point Act 102 of 1980)


National Strategic Intelligence Act 39 of 1994)

Protection of Critical Infrastructure Protection Act 8 of 2019

**ROLES AND RESPONSIBILITIES:**

**A. Generation Procurement managers are required to:**

1. Ensure that criminal check/screening requirement form part of the NEC document during the tender process.
2. Brief all stakeholders including suppliers during the Tender Site clarification meeting on the criminal record screening requirements on awarding of the contract.
3. Stipulate a termination clause should the awarded contractor fail to comply with the criminal record check process requirements and/or critical staff identified as part of the contract, failing the screening requirements.

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4. The security screening clause to be inserted to reads as follows: "Acceptance of this tender is subject to the condition that both the contracting company's management and its employees will provide Eskom with a clear criminal record not older than thirty (30) days from a reputable screening company. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor. Acceptance of the tender is also subject to the condition that the contractor will implement all such security measures for the safe performance of the work as required in the scope of the contract.
5. For the purpose of clarity, contractors who was previously found guilty of offences in terms of the National Road Traffic Act 93 of 1996 and/or has paid guilt admission fines, will be exempted and be allowed to access site.

**B. Power Station General Managers are required to:**

1. Brief all management teams, the Joint Planning Committee (JPC) and other key stakeholders, including contractors and services providers on the implementation of the contractor screening process.


**C. Eskom Project Managers are required to:**

1. Manage the process to ensure awarded contractor/s subject their employees to complete criminal clearance verifications with the South African Police Service (SAPS) Criminal Record Centre (CRC) or accredited supplier linked to SAPS AFIS system and provide proof to security delegated team before access can be granted.

**D. Risk & Security Manager-**

Establish a process within the Department to ensure that:

1. Contractors are to submit proof of verification record(s) (Security clearance) from SAPS or accredited supplier linked to SAPS AFIS system not older than thirty (30) days, as part of Risk Management process in order to curb any threats against the Installation. It is compulsory for these documents to be submitted to Security for verification before access to site is granted. Only individuals with clear criminal records will be considered.
2. Contractors are required to submit the SAPS Clearance Certificate obtained by the employee along with a copy of his/her Identity Document or Passport to the site Security Manager. The Security Manager is required to verify the authenticity of the CRC Certificate with SAPS and to cross reference the employee seeking access against known HR databases and site databases to determine if the employee in question has in the past

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participated in disruptive labor actions and if the individual was dismissed from Eskom and the reason for such dismissal. Every employee applying for access must be evaluated as an individual and subsequent finding recorded. A risk analysis of the employee profile indicating whether the employee is a risk to the installation must be completed. Any risk rating allocated above a level III will be deemed unsuitable.

3. The process shall be repeated every 12 months for low-risk employees (Risk Rating 5, 4) and every 6 months for medium to high-risk employees (Risk Rating 3)

In the interest of building a sustainable and greater Generation business, we shall together as a Team of dedicated professionals' endeavor to improve our performance, restore confidence and ensure optimal safety and security of our people and assets.

Your assistance and co-operation in this regard shall be highly appreciated.



Rhulani Mathebula  
**GROUP EXECUTIVE: GENERATION DIVISION (ACTING)**