

EPI-USE AFRICA (PTY) LTD

(Registration number: 1999/014891/07)

Manual in terms of section 51 of the
Promotion of Access to Information Act, 2 of 2000

Promotion of Access to Information Act, 2 of 2000 (The Act)

Section 51 Manual of EPI-USE AFRICA (PTY) LTD (Registration number: 1999/014891/07)

1. Contact particulars

Head of business: JJP Muller
Information officer: JJP Muller
Deputy Information Officer: WJ Haefele
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Website: <https://www.epiuse.com>

2. Introduction

The company is engaged in research, development, implementation and support of specialised computer software.

3. Guide in terms of section 10 of The Act

Any person who wishes to exercise any right contemplated in The Act may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, tel (011) 877-3600.

4. Facilitation of a request for access to information

The information which is not readily available as indicated in this manual may be requested in accordance with the procedure prescribed in terms of the Act. Copies of the prescribed forms to be completed for submitting a request, are available from EPI-USE Africa (Pty) Ltd.

5. Information available in terms of other legislation

Information is available in terms of certain provisions of the following legislation:

5.1	Basic Conditions of Employment Act 75 of 1997
5.2	BBBEE Act 53 of 2003
5.3	Companies Act 71 of 2008
5.4	Compensation for Occupational Injuries and Health Diseases Act 130 of 1993

5.5	Consumer Protection Act 68 of 2008
5.6	Copyright Act 98 of 1978
5.7	Electronic Communications and Transactions Act 25 of 2002
5.8	Employment Equity Act 55 of 1998
5.9	Income Tax Act 58 of 1962
5.10	Labour Relations Act 66 of 1995
5.11	National Credit Act 34 of 2005
5.12	Occupational Health and Safety Act 85 of 1993
5.13	Prevention of Combating of Corrupt Activities Act 12 of 2004
5.14	Prevention of Organised Crime Act 121 of 1998
5.15	Protected Disclosures Act 26 of 2000
5.16	Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
5.17	Protection of Information Act 84 of 1982
5.18	Promotion of Access to Information Act 2 of 2000
5.19	Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
5.20	Skills Development Levies Act 9 of 1999
5.21	Skills Development Act 97 of 1998
5.22	Unemployment Contributions Act 4 of 2002
5.23	Unemployment Insurance Act 63 of 2001
5.24	Value Added Tax Act 89 of 1991
5.25	Protection of Personal Information Act No. 4 of 2013

6. Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying:

6.1	Marketing and promotional material
6.2	https://www.epiuse.com

7. Information available in terms of The Act

The subjects on which the business holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of The Act.

7.1 Accounting records

7.1.1	Annual financial statements and working papers
7.1.2	General ledger
7.1.3	Subsidiary ledgers (receivables, payables, etc.)
7.1.4	Bank statements, cheque books, cheques
7.1.5	Customer and supplier statements and invoices
7.1.6	Cash books and petty cash books
7.1.7	Fixed asset register
7.1.8	Auditor's reports
7.1.9	Inventory records (including stock take)

7.1.10	Record of assets
7.1.11	Record of liabilities
7.1.12	Record of loans to related parties
7.1.13	Record of liabilities and obligations
7.1.14	Record of revenue
7.1.15	Record of expenses

7.2 Personnel Records

7.2.1	Attendance register
7.2.2	Disciplinary records
7.2.3	Employee information records
7.2.4	Employment contracts
7.2.5	IRP 5 and IT 3 certificates
7.2.6	Salary and wage registers
7.2.7	UIF, PAYE and SDL returns
7.2.8	Workmen's Compensation documents

7.3 Sales and Marketing

7.3.1	Service and product information
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7.4 Statutory Company Records

7.4.1	Annual Statutory Returns
7.4.2	Certificate of Incorporation
7.4.3	Certificate to Commence Business
7.4.4	Directors' attendance register
7.4.5	Memorandum and Articles of Association
7.4.6	Memorandum of Incorporation and alterations/amendments
7.4.7	Notice and minutes of shareholders' meetings
7.4.8	Minutes of directors' meetings
7.4.9	Register of company secretary and auditors
7.4.10	Register of directors and officers
7.4.11	Register of directors' shareholding
7.4.12	Resolutions
7.4.13	Shareholders' register

7.5 Tax

7.5.1	Income tax returns
7.5.2	Provisional tax returns
7.5.3	Tax assessments
7.5.4	Records relating to taxable gain or assessed capital loss
7.5.5	VAT documents
7.5.6	Records of importation goods and documents
7.5.7	Vendors information
7.5.8	Documentary proof substantiating the zero-rating of supplies

8. Grounds for Refusal

Grounds for refusal can be found in an Extract of the Promotion Of Access To Information Act 2 of 2000, attached as Annexure A.

9. Requesting procedures

A person who wants access to the records must complete the necessary request form, which is available at the offices of EPI-USE Africa (Pty) Ltd (also attached as Annexure B) or can be accessed on https://www.justice.gov.za/forms/form_paia.htm. The completed request form must be sent to the address, email address or fax number provided in this manual, and marked for the attention of the Information Officer. If this request is made on behalf of a person, proof must be submitted of the capacity in which the requester is making this request.

10. Availability of the Manual

Copies of this manual are available for inspection, free of charge, at the offices of EPI-USE AFRICA (PTY) LTD, from the South African Human Rights Commission and at <https://www.epiuse.com/paia-manual/>

INFORMATION OFFICER



DATE 1 June 2021

EXTRACT OF PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

CHAPTER 4

GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (ss 62-70)

62 Interpretation

A provision of this Chapter in terms of which a request for access to a record must or may or may not be refused, must not be construed as-

- (1) limited in its application in any way by any other provision of this Chapter in terms of which a request for access to a record must or may or may not be refused; and
- (2) not applying to a particular record by reason that another provision of this Chapter in terms of which a request for access to a record must or may or may not be refused, also applies to that record.

63 Mandatory protection of privacy of third party who is natural person

- (1) Subject to subsection (2), the head of a private body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information-
 - (a) about an individual who has consented in terms of section 72 or otherwise in writing to its disclosure to the requester concerned;
 - (b) already publicly available;
 - (c) that was given to the private body by the individual to whom it relates and the individual was informed by or on behalf of the private body, before it is given, that the information belongs to a class of information that would or might be made available to the public;
 - (d) about an individual's physical or mental health, or well-being, who is under the care of the requester and who is-
 - (i) under the age of 18 years; or
 - (ii) incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
 - (e) about an individual who is deceased and the requester is-
 - (i) the individual's next of kin; or
 - (ii) making the request with the written consent of the individual's next of kin; or
 - (f) about an individual who is or was an official of a private body and which relates to the position or functions of the individual, including, but not limited to-
 - (i) the fact that the individual is or was an official of that private body;

- (ii) the title, work address, work phone number and other similar
- (iii) particulars of the individual;
- (iv) the classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual; and
- (v) the name of the individual on a record prepared by the individual in the course of employment.

64 Mandatory protection of commercial information of third party

- (1) Subject to subsection (2), the head of a private body must refuse a request for access to a record of the body if the record contains
- (a) trade secrets of a third party;
 - (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - (c) information supplied in confidence by a third party, the disclosure of which could reasonably be expected-
 - (i) to put that third party at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice that third party in commercial competition.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information about-
- (a) a third party who has consented in terms of section 72 or otherwise in writing to its disclosure to the requester concerned;
 - (b) the results of any product or environmental testing or other investigation supplied by a third party or the results of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk.
- [Para. (b) substituted by s. 42 of Act 42 of 2001 (wef 7 December 2001).]
- (3) For the purposes of subsection (2) (b), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

65 Mandatory protection of certain confidential information of thirdparty

The head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

66 Mandatory protection of safety of individuals, and protection of property

The head of a private body-

- (1) must refuse a request for access to a record of the body if its disclosure could reasonably be expected to

endanger the life or physical safety of an individual; or

(2) may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair-

(a) the security of-

(i) (aa) a building, structure or system, including, but not limited to, a computer or communication system;

(ii) (bb) a means of transport; or

(iii) (cc) any other property; or

(b) methods, systems, plans or procedures for the protection of-

(i) (aa) an individual in accordance with a witness protection scheme;

(ii) (bb) the safety of the public, or any part of the public; or

(iii) (cc) the security of property contemplated in subparagraph (i)

(iv) (aa), (bb) or (cc).

67 Mandatory protection of records privileged from production in legal proceedings

The head of a private body must refuse a request for access to a record of the body if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

68 Commercial information of private body

(1) Subject to subsection (2), the head of a private body may refuse a request for access to a record of the body if the record-

(a) contains trade secrets of the private body;

(b) contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;

(c) contains information, the disclosure of which could reasonably be expected-

(i) to put the private body at a disadvantage in contractual or other negotiations; or

(ii) to prejudice the body in commercial competition; or

(d) is a computer program, as defined in section 1 (1) of the Copyright Act, 1978 (Act 98 of 1978), owned by the private body, except insofar as it is required to give access to a record to which access is granted in terms of this Act.

(2) A record may not be refused in terms of subsection (1) insofar as it consists of information about the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out by or on behalf of the private body and its disclosure would

reveal a serious public safety or environmental risk.

[Sub-s. (2) substituted by s. 43 of Act 42 of 2001 (wef 7 December 2001).]

- (3) For the purposes of subsection (2), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

69 Mandatory protection of research information of third party, and protection of research information of private body

- (1) The head of a private body must refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose-

(a) the third party;

(b) a person that is or will be carrying out the research on behalf of the third party; or

(c) the subject matter of the research, to serious disadvantage.

- (2) The head of a private body may refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose-

(a) the private body;

(b) a person that is or will be carrying out the research on behalf of the private body; or

(c) the subject matter of the research, to serious disadvantage.

70 Mandatory disclosure in public interest

Despite any other provision of this Chapter, the head of a private body must grant a request for access to a record of the body contemplated in section 63 (1), 64 (1), 65, 66 (a) or (b), 67, 68 (1) or 69 (1) or (2) if-

- (1) the disclosure of the record would reveal evidence of-

(a) a substantial contravention of, or failure to comply with, the law; or

(b) imminent and serious public safety or environmental risk; and

- (2) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

Full names and surname.....

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Identity number:

Postal address:

Telephone number: (...) Fax number: (...)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

Full names and surname:

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Identity number:

D. Particulars of record

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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H. Notice of decision regarding request for access

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed atthis day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE