MANUAL

OF

EUPHORIA SOFTWARE CC

PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, No 2 of 2000

Section 51 EUPHORIA SOFTWARE CC

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Introduction to EUPHORIA SOFTWARE CC

The close corporation carries on the business of computer software and related activities.

Particulars in terms of the Section 51 Manual

1. Contact details

Postal address:	17 Spinnaker Avenue Dalpark Ext 1 Brakpan 1541
Street address:	Unit 88A Van Dyk Secure Business Park Cnr Vab Dyk and Brakpan Road Boksburg Industrial East 1459
Telephone:	086 111 5192
Email:	shuan@u4ria.co.za

General Information

Name of private body:	EUPHORIA SOFTWARE CC
Information officer:	S. Krombeen
Practice Number:	2004/010380/23
Vat Number:	4730216050

2. The Section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide on how to exercise your rights in terms of the Act will be available from the South African Human Rights Commission by no later than August 2005. Please send enquires to:

The South African Human Rights Commission:

PAIA Unit – The Research and Documentation Department

Postal address:	Private Bag 2700 Houghton 2041
Telephone:	+27 11 484-8300
Fax:	+27 11 484-0582
Website:	www.sahrc.org.za
E-mail:	paia@sahrc.org.za

3. How to request a record.

3.1 The request procedure

- Request for access to information held by EUPHORIA SOFTWARE CC must be made on the request forms that are available from the South African Human Rights Commission website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under regulations). For the convenience of the requestors, copies of these forms are included in the version of this manual available at our offices.

- Requests for access to records must be made to the information officer at the address, fax number or electronic mail address provided

- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed [s53(2)(a) and (b) and (c)].

- It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- If the request is made on behalf of another person, the requester must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the head of the information officer [s 53(2)(f)].

- If a requestor does not use the standard form, the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.

3.2 Fees:

- Requestors are required to pay the prescribed fees. The list of prescribed fees in respect of the requestor and in respect of access to records if the request is granted is attached as Annexure 2.

- A requester who seeks access to a record containing personal information about the requestor is not required to pay the request fee. Every other requestor, who is not a personal requestor, must pay the required request fee.

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee, (if any), before further processing the request [s54(1)].

- The requester may lodge an application to the court against the tender or payment of the request fee [s54(3)(b)].

- After the head of the private body has made the decision on the request, the requester must be notified in the required form.

- If the request is granted than a further access fee must be paid for the search, reproduction, preparation, and for any time that has exceeded the prescribed hours to search and prepare the records for disclosure [s54(6)].

3.3 Ground for refusal of access to records

The main ground for the Private Body to refuse a request for information relates to the:

3.3.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of the natural person.

3.3.2 Mandatory protection of the commercial information of a third party, if the record contains:

3.3.2.1 Trade secrets of that third party
3.3.2.2 Financial, commercial, scientific or technical information of which disclosure could likely cause harm to the financial or commercial interests of that third party,
3.3.2.3 Information disclosed in confidence by a third party to the private body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

3.3.3 Mandatory protection of the confidential information of third parties if it is protected in terms of an agreement.

3.3.4 Mandatory protection of the safety of individuals and the protection of property

3.3.5 Mandatory protection of records, which would be regarded as privileged in legal proceedings.

3.3.6 The commercial activities of the private body, which may include:

3.3.6.1 Trade secrets of the private body
3.3.6.2 Financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the private body.
3.3.6.3 Information which, if disclosed could put the private body at a disadvantage in negotiations or commercial competition.
3.3.6.4 A computer program which is owned by the private body, and which is protected by copyright.

3.3.7 The research information of the private body of a third party, if its disclosure would disclose the identity of the private body, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

3.3.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

3.4 Remedies available when a private body refuses a request for information

3.4.1 Internal remedies

The private body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

3.4.2 External Remedies

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to the relevant court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the constitutional court, the high court or another court of similar status.

4. Decision

The private body will, within 30 days of receipt of the request, decided whether to grant or decline the request and give notice with reason (if required) to that effect.

The 30 day period with which the private body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information or the request requires a search for information held at other offices of the private body and the information cannot reasonably be obtained within the original 30 day period. The private body will notify the requester in writing should an extension be sought.

5. Access to the records held by the private body in question [Section 51(1)(c) and 51(1) and 51(1)(e)]

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act. The information is classified and grouped to records relating various subjects and categories. It is recorded that the accessibility of the documents listed herein may be subject to grounds of refusal.

5.1 The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this act in terms of section 52(2) [Section 51(1)(c)]

Not Applicable

5.2 Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]

Human Resources:

- Employment contracts
- Salary records
- Leave records
- Records relating to increases

Operations:

- Data base customers
- Customers account records

Finances:

- Financial Statements
- Annual Financial Statements
- Asset Register
- Vat Records
- Tax Records
- UIF Records
- Invoices
- Statements
- Debit Notes
- Credit Notes
- Cash Records

5.3 Records available in terms of any other legislation [Section 51(1)(d)]

Information is available in terms of the following legislation to the persons or entities specified in such legislation.

Income Tax Act No. 95 of 1967

6. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

7. Availability of the manual [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above) and from EUPHORIA SOFTWARE CC.