



PAIA MANUAL

*In compliance with the The Promotion of Access to Information Act 2 of 2000 ("PAIA") as amended by
the Protection of Personal Information Act 4 of 2013 ("POPI")*

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1. INTRODUCTION

This is the PAIA Manual of the South African Communist Party (the SACP). It must be read in conjunction with the SACP's Privacy Policy.

The Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001.

PAIA 's purpose is to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

PAIA sets out the requisite procedural issues attached to information requests, including the obligation to compile a PAIA Manual.

Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such body and stipulates the minimum requirements that the manual has to comply with.

Where a person is desirous of obtaining information from a private body, in terms of PAIA such request must be made in the format as prescribed and described under the private body's PAIA Manual, and following receipt of the request, such private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in PAIA are applicable.

2. INFORMATION OF THE SOUTH AFRICAN COMMUNIST PARTY

Private Body's Name:	The South African Communist Party
Postal Address:	PO Box 1027, Johannesburg, 2000
Street Address:	COSATU House, 110 Jorissen Street, Cnr Simmonds, Braamfontein, 2017
Telephone Number:	+27 11 339 3621
Fax Number:	+27 11 339 4244/6880
Email:	informationofficer@sacp.org.za
Website:	www.sacp.org.za

3. INFORMATION OFFICER (internal)

In accordance with the provisions of PAIA, the SACP has appointed the following Information

Officer/Information Officer:	Ms Hlengiwe Nkonyane
Email:	informationofficer@sacp.org.za
Tel:	011 339 3621/2

4. INFORMATION REGULATOR (external)

A guide contemplated in Section 10 of the Act has been compiled and must be made available by the Information Regulator. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act, as well as in the Protection of Personal Information Act, 2013. Any enquiries regarding this guide should be directed to:

Postal Address:	P. O Box 31533 Braamfontein 2017
Physical Address:	27 Siemens Street Braamfontein 2017
Tel Number:	(010) 023 5200
Fax Number:	(011) 403 0625
Website:	https://www.justice.gov.za/inforeg
Email Address:	inforeg@justice.gov.za

5. APPLICABLE LEGISLATION

In compliance with section 51(1)(c) of PAIA, a list of legislation applicable to us is attached as Annexure A hereto.

6. SCHEDULE OF RECORDS

In compliance with section 51(1)(d) of PAIA, a list of records kept by us is attached as Annexure B hereto. These records may either be available freely to the public or will be made available the Requester, subject to a successful request in terms of the relevant PAIA provisions.

7. REQUESTING ACCESS TO INFORMATION NOT PUBLICLY AVAILABLE

- 7.1 A requester must complete the application form and submit same to the Information officer, at the particulars indicated above.
- 7.2 The prescribed form must be completed with enough detail to at least enable the Information Officer to identify the record, the identity of the requester, which form of access is required and the postal address or fax number of the requester.
- 7.3 The requester must identify the right that needs to be exercised or protected and specify why the record is necessary to exercise or protect such a right.
- 7.4 The Information Officer will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

- 7.5 The requester will be informed in writing whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.
- 7.6 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 7.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.8 The application form is attached hereto, as well as available on request.
- 7.9 The completed form must be accompanied by proof of payment of the prescribed application fee, as described below.
- 7.10 Upon receipt of the application form and proof of payment, as aforesaid, the Information Officer will consider the request.
- 7.11 If the request is approved, the Information Officer will provide the applicant with a summary of fees payable in respect of the application. Upon receipt of payment the requested information will be supplied.
- 7.12 In the event of the application being denied, the Information Officer will inform the applicant and provide reasons for the decision.

8. GROUNDS FOR REFUSAL OF ACCESS TO CERTAIN RECORDS

- 8.1. In terms of Part 3, Chapter 4 of PAIA there are a number of grounds that warrant the refusal to release certain records. Such instances include mandatory protection of –
 - 8.1.1 records that cannot be found or that do not exist;
 - 8.1.2 privacy of a third party who is natural person;
 - 8.1.3 commercial information of a third party;
 - 8.1.4 certain confidential information of a third party;
 - 8.1.5 information relating to the safety of individuals, and protection of property;
 - 8.1.6 records privileged from production in legal proceedings;
 - 8.1.7 commercial information of a private body; and
 - 8.1.8 research information of third parties, and protection of research information of private bodies.
 - 8.1.9 Requests for records which are clearly frivolous, vexatious or involve an unreasonable diversion of resources may also be refused.

9. DECISION TO GRANT OR DENY ACCESS

- 9.1. Our Information Officer will deliberate and decide on the request of the Requester within 30 (THIRTY) days of receipt of the request for access.

- 9.2. In cases where the request for access is for a large number of records or the request requires a search at more than one of our offices the period may be extended for a further period of up to 30 (THIRTY) days.
- 9.3. The company will make use of the information provided in Annexure C hereto to inform the relevant Requester of such an extension in writing.

10. REMEDIES FOR REFUSAL OF ACCESS TO INFORMATION REQUEST

10.1. Internal Appeal

The decision of the Information Officer is final in terms of our internal procedures for access to information. The external remedies set out below remain available to the Requester, however there is no internal appeal procedure.

10.2. External Appeal

The Requester may in terms of sections 56(3)(c) and 78 of PAIA apply to a court within 180 days of notification of the decision for appropriate relief.

11. FEES

11.1. Request Fee

The fees applicable to an application for information shall be as per the prescribed fees. A schedule of these fees is attached hereto. The schedule attached is subject to change in accordance with changes to the prescribed fees. An application fee of R50.00 is payable in respect of each application for information. Proof of payment of the said fee must accompany the completed application form. No fees are payable by persons who request information pertaining to their own affairs.

11.2. Deposit

In the event that the preparation of the records requested exceed 6 (SIX) hours, a deposit is payable equal to not more than one third of the access fees (which would be payable if the request were to be granted).

11.3. Payment of fees

Records successfully requested will only be released to the Requester once all fees have been paid in full.

11.4. Fee structure

The fee structure is available on the website of the South African Human Rights Commission at: www.sahrc.org.za.

12. THE MANUAL

This manual is available on request as well as at the principal place of business of the SACP for public inspection during normal business hours. This manual is available to any person and upon

payment of a reasonable amount. This manual is available to the Information Regulator upon request.

ANNEXURE A: LEGISLATION APPLICABLE TO THE SACP

Constitution of South Africa, 1996
The Electoral Act 73 of 1998
The Electoral Commission Act 51 of 1996
Political Party Funding Act Act 6 of 2018
The Municipal Systems Act 32 of 2000
The Municipal Structures Act 117 of 1998
Basic Conditions of Employment Act 75 of 1997
Labour Relations Act 66 of 1995
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Protection Act 68 of 2008
Electronic Communications and Transactions Act 25 of 2002
Employment Equity Act 55 of 1998
Financial Intelligence Centre Act 38 of 2001
Income Tax Act 95 of 1967
Pension Funds Act 24 of 1956
Prevention of Organised Crime Act 121 of 1998
Promotion of Access of Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
Unemployment Insurance Act 30 of 1996

ANNEXURE B: RECORDS

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

The following categories of records are held by us:

- Statutory association information.
- Financial and tax records.
- Banking details.
- Human resources / Employment records.
- Intellectual property.
- Permits and licences.
- Insurance records.
- Immovable and movable property.
- Information technology.
- Specific agreements relating to our business activities.
- Policy documents.
- Miscellaneous agreements.
- Internal and external correspondence.
- Information relating to legal proceedings.
- Records pertaining to members / voters / volunteers / activists.

ANNEXURE C

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 Information Officer

Per email: informationofficer@sacp.org.za

B. Particulars of person requesting access to the record

- | |
|---|
| (a) The particulars of the person who requests access to the record must be given below. |
| (b) The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

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

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- | |
|--|
| (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. |
| (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |

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

.....
.....
.....

2. Reference number, if available:

.....
.....
.....

3. Any further particulars of record:

.....
.....
.....

E. Fees

- | |
|---|
| (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) You will be notified of the amount required to be paid as the request fee. |
| (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record. |

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

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:				
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record			
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images		
3. If record consists of recorded words or information which can be reproduced in sound:				
<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:				
<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> 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

space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

.....

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

.....
.....
.....

H. Notice of decision regarding request for access

notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

.....

Signed at this day..... ofyear

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