



# AL JAMA-AH

Political platform for all communities

## PAIA MANUAL

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*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

Since the Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001, all political parties were required to observe PAIA protocols. In line with this request, Al Jama-ah Political Party (Al Jama-ah) drafted and finalized this one.

It is generally accepted that PAIA 's purpose is to give effect to the Constitutional right of access to any information held by the State or by any political party or by any person; this is where such information is required for the exercise or protection of any right and it gives natural and juristic persons the right of access to the state's/party's/person's records held by either a private or public body. These are, however, subject to certain limitations in order to enable them to exercise or protect their rights.

Now PAIA sets out the requisite procedural issues attached to information requested and this includes the obligation to compile a *PAIA Manual* such as this. Alongside this, Section 51 of PAIA obliges private bodies/institutions/organizations to compile a manual to enable a person to obtain access to information held by such body/institution/organization; and it stipulates the minimum requirements that the manual has to comply with.

Where a person is desirous of obtaining information from a private body/institution/organization in terms of PAIA, then such request should be made in the format as prescribed and described under the private body's/institution's/organization's *PAIA Manual*, and following receipt of the request, such private body/institution/organization should disclose the information if the person 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 AL JAMA-Ah POLITICAL PARTY

|                         |  |
|-------------------------|--|
| Political Party's Name: | Al Jama-ah Political Party                               |
| Street Address:         | 1st Floor, Howard Centre, Pinelands                      |
| Telephone Number:       | +27 21 68 642 3536                                       |
| Email:                  | <a href="mailto:info@aljama.co.za">info@aljama.co.za</a> |
| Website:                | <a href="http://www.aljama.co.za/">www.aljama.co.za/</a> |

## 3. INFORMATION OFFICER (internal)

|   |                      |  |
|---|----------------------|--|
| In accordance with the provisions of PAIA, Al Jama-ah has appointed the following Information Officer | Information Officer: | Professor Muhammed Haron                                 |
|   | Email:               | <a href="mailto:info@aljama.co.za">info@aljama.co.za</a> |
|   | Tel:                 | +27 21 68 642 3536                                       |

## 4. INFORMATION REGULATOR (external)

A guide contemplated in Section 10 of the Act has been compiled and should be made available by the Information Regulator. It 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<br>Braamfontein<br>2017  |
| Physical Address: | 27 Siemens Street<br>Braamfontein<br>2017   |
| Tel Number:       | (010) 023 5200  |
| Fax Number:       | (011) 403 0625  |
| Website:          | <a href="https://www.justice.gov.za/infoereg">https://www.justice.gov.za/infoereg</a> |
| Email Address:    | <a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>                  |

## 5. APPLICABLE LEGISLATION

In compliance with section 51(1)(c) of PAIA, a list of legislation applicable to us – the Party - is attached as **ATTACHMENT A** hereto.

## 6. SCHEDULE OF RECORDS

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

## 7. REQUESTING ACCESS TO INFORMATION NOT PUBLICLY AVAILABLE

- 7.1 Any researcher or person who wishes to obtain information about the party that is not readily available should (a) complete a prescribed application form, (b) submit it to the Information officer, and (c) expect a response within a seven-day period.
- 7.2 The form should be completed with all relevant details inserted; these are: (a) person's identity details (including postal address), and (b) record's/document's information (such as the title, etc), and (c) in a hardcopy or softcopy format.
- 7.3 The person requesting the document/record should identify 'the right that needs to be exercised or protected', and he/she should 'specify why the record is necessary' and 'for what purpose it intends to be used.' He/she should also state the need to exercise or protect such a right.
- 7.4 All requests will be processed within a 30-day period; if, however, it is possible for the request to be fast-tracked, then the person should indicate that. But he/she should provide specific reasons which would reasonably satisfy the Information Officer why the circumstances dictate that the above time period (that is, 30-days) not be complied with.

- 7.5 The person will be informed in writing whether access is granted or denied. If, in addition, he/she requires the reasons for the decision in any other manner, he/she should state the manner and the particulars so required.
- 7.6 If a request is made on behalf of someone else, then the person should submit proof of the capacity in which he/she is making it 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, then such a person may make the request orally.
- 7.8 Though the application form is attached hereto, it is also made available upon special request.
- 7.9 The completed form should be accompanied by proof of payment of the prescribed application fee (see description below).
- 7.10 Upon receipt of the application form and proof of payment, as aforesaid, the Information Officer will then 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/documents. Such instances include mandatory protection of –
  - 8.1.1 Records/documents that cannot be found or that do not exist or are considered classified in accordance with the Party's privacy policies;
  - 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/documents 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 person 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/documents or the request requires a search at more than one of the Party's offices, then the period may be extended for a further period of up to 30 (THIRTY) days.
- 9.3.** The Party will make use of the information provided in Annexure C hereto to inform the person of such an extension in writing.

## **10. REMEDIES FOR REFUSAL OF ACCESS TO INFORMATION REQUEST**

### **10.1. Internal Appeal**

Though the Information Officer's decision should be considered as important, an appeal may be lodged with the Party's Secretary General whose decision will be final; this would be in terms of the Party's internal procedures for access to information.

Important to note is that the SG should be granted, at least, 15 days to respond from the date of the appeal. Whatever the outcome, there is no further internal appeal procedure.

### **10.2. External Appeal**

The person may, however, 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. 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 documents/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). A cost recovery of 1,500 Rands per hour is applicable.

### **11.3. Payment of fees**

Documents/Records that are successfully requested will only be released to the person once all fees have been paid in full.

## **12. THE MANUAL**

This *PAIA Manual* is available on request as well as at the principal place of business (that is, Howard Centre, Pinelands, Greater Cape Town) of Al Jama-ah for public inspection during normal business hours. While it is available to any private person at a cost of 500 Rands. For the Information Regulator, it is available upon request.

**ATTACHMENT A: LEGISLATION APPLICABLE TO AL JAMA-AH**

|   |
|---|
| 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                               |

## **ATTACHMENT B: RECORDS**

The inclusion of any subject or category of documents/records should not be taken as an indication that documents/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 documents/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.



**ATTACHMENT C:  
THE FORM**

**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@aljama.org.za](mailto:informationofficer@aljama.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. |
| © 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**

|  |
|--|
| (4) 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.  |
| © 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.                                |  |

|   |   |                          |  |                          |
|---|---|--------------------------|--|--------------------------|
| <b>1. If the record is in written or printed form:</b>  |   |                          |  |                          |
| <input type="checkbox"/>  | copy of record*                           | <input type="checkbox"/> | inspection of record                                       |                          |
| <b>2. If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b> |   |                          |  |                          |
| <input type="checkbox"/>  | view the images                           | <input type="checkbox"/> | copy of the images*  | <input type="checkbox"/> |
| <input type="checkbox"/>  |   | <input type="checkbox"/> | transcription of the images                                |                          |
| <b>3. If record consists of recorded words or information which can be reproduced in sound:</b>   |   |                          |  |                          |
| <input type="checkbox"/>  | listen to the soundtrack (audio cassette) | <input type="checkbox"/> | transcription of soundtrack* (written or printed document) |                          |
| <b>4. If record is held on computer or in an electronic or machine-readable form:</b>   |   |                          |  |                          |
| <input type="checkbox"/>  | printed copy of record*                   | <input type="checkbox"/> | printed copy of information derived from the record*       | <input type="checkbox"/> |
| <input type="checkbox"/>  |   | <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?<br>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..... of .....year .....

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

**ATTACHMENT D: OTHER**

As per Promotion of Access to Information Act (PAIA) Section 52 A (1) (a) we list below donations not exceeding R100 000 as from: 1 April 2022 – 31 March 2023

0 (Zero)

As per Promotion of Access to Information Act (PAIA) Regulation 6 (1) any donation exceeding R100 000 for the period: 1 April 2022 – 31 March 2023

0 (Zero)