

UNITED DEMOCRATIC MOVEMENT (UDM)

PAIA Manual



UNITED DEMOCRATIC MOVEMENT

UDM National Office - 2022

TABLE OF CONTENTS

INTRODUCTION	ERROR! BOOKMARK NOT DEFINED.
CONTACT INFORMATION	1
APPLICABLE LEGISLATION (PAIA SECTION 51(1)(d) Error! Bookmark not defined.	
AVAILABLE RECORDS	2
PROCESS FOR REQUESTING ACCESS	3
APPLICABLE FEES	4
GROUND FOR REFUSAL OF ACCESS	5
REMEDIES: SHOULD ACCESS BE REFUSED	6
ANNEXURES: A and B	7-9

INTRODUCTION

This is the PAIA manual of the United Democratic Movement (UDM) created in order to comply with the Promotion of Access to Information Act 2 of 2000 (PAIA).

The PAIA was enacted to give effect to the constitutional right of an individual to have access to information. Section 32 of the Constitution, 1996, states;

“Everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights.”

For purposes of PAIA, the UDM is defined as a private body. Section 51 of PAIA mandates the development of this manual. The manual is to be used by an individual, should they wish, to request access to information held by the UDM.

It should be noted that the Promotion of Access to Information Amendment Act 31 of 2019, allows for the inclusion of information on political parties.

This manual is available to be downloaded on the UDM website:

www.udm.org.za

CONTACT INFORMATION

Organisation	United Democratic Movement (UDM)
Postal address	P.O. Box 1250, Pretoria, 0001
Physical address	101 CPA House, Cnr. DuToit and Johannes Ramokhoase Streets, Pretoria, 0002
Telephone number	+27 12 321 0010
Email address	info@udm.org.za
Website	www.udm.org.za
In line with PAIA provisions, the head of body / designated Information Officer for the UDM is its Secretary General.	
Information Officer	Mr. Bongani Msomi
Telephone number	+27 12 321 0010
Email address	msomi@udm.org.za

Information Regulator

Postal address	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone number	+27 10 023 5200
Email address	enquiries@infoeregulator.org.za
Website	www.justice.gov.za

APPLICABLE LEGISLATION

In line with section 51 (1)(d) of the PAIA, the UDM may be in possession of records in accordance with other legislation listed below.

1.	Basic Conditions of Employment Act 75 of 1997
2.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
3.	Constitution of the Republic of South Africa 1996
4.	Consumer Protection Act 68 of 2008
5.	Electoral Act 73 of 1998
6.	Electoral Commission Act 51 of 1996
7.	Electronic Communications and Transactions Act 25 of 2002
8.	Employment Equity Act 55 of 1998
9.	Financial Advisory and Intermediary Services Act 37 of 2002
10.	Financial Intelligence Centre Act 38 of 2001
11.	Identification Act 68 of 1997
12.	Income Tax Act 58 of 1962
13.	Inspection of Financial Institutions Act 80 of 1998
14.	Intellectual Property Laws Amendment Act 28 of 2013
15.	Labour Relations Act 66 of 1995
16.	National Credit Act 34 of 2005
17.	National Payment Systems Act 78 of 1998
18.	Occupational Health and Safety Act 85 of 1993
19.	Pension Funds Act 24 of 1956
20.	Political Party Funding Act 6 of 2018
21.	Prevention of Organised Crime Act 121 of 1998
22.	Promotion of Access of Information Act 2 of 2000
23.	Protection of Personal Information Act 4 of 2013
24.	Unemployment Insurance Act 63 of 2001

AVAILABLE RECORDS

The UDM holds the types of documents / records listed below. In line with PAIA, an individual may request copies of the documents. However, there is no guarantee that the document will be made available and the release of the document may be refused, in line with PAIA allowances.

Types of documents / records held by the UDM;

1. <i>Assets</i>	<ul style="list-style-type: none">• <i>Registers</i>• <i>Immovable property</i>• <i>Information technology</i>• <i>Intellectual property</i>• <i>Movable property</i>
2. <i>Communication</i>	<ul style="list-style-type: none">• <i>Correspondence (internal / external)</i>• <i>Marketing materials</i>• <i>Membership, volunteers, activists' lists</i>• <i>Policy documents</i>• <i>Website domain</i>
3. <i>Financial</i>	<ul style="list-style-type: none">• <i>Accounting records</i>• <i>Auditing / reporting</i>• <i>Insurance</i>• <i>Tax records</i>
4. <i>Human resources</i>	<ul style="list-style-type: none">• <i>Employment contracts and benefits</i>• <i>Organisational policies</i>• <i>Personnel records</i>
5. <i>Legal</i>	<ul style="list-style-type: none">• <i>Agreements (lease, suppliers, etc.)</i>• <i>Licenses</i>• <i>Permits</i>• <i>Proceedings / Judgements</i>

PROCESS FOR REQUESTING ACCESS

Section 50(1) of PAIA indicates that a requester must be given access to any records of a private body, in this case a political party. The PAIA indicates that the requester is required to comply with procedural requirements outlined in the Act.

In order for the UDM to assist with a PAIA request for documents, the following steps are to be undertaken by the requester;

1. *In adherence to section 53 of PAIA, the requester must complete, in full, an application form (Annexure A).*
2. *A request for access to a document/record must be made in the prescribed form at the UDM national office address or via email.*
3. *If a request for a document/record is being made on behalf of a person, the requester is to submit proof of the capacity in which the request is being made. The Information Officer will determine whether the request is satisfactory.*

4. *Should a requester be unable to complete the application form, for whatever reason, the request may be made orally. Assistance in completing the application form on the behalf of the requester, at the national office, and a copy of the form will be provided to the requester.*
5. *Proof of payment of the stipulated fee for the application form must be paid before further processing of the request will take place. The applicable fee's structure is outlined in the relevant section of this manual.*
6. *The request for access to documents/records will be concluded within 30 working days from the date of receipt. The requester may put forward a special request for the information to be returned sooner. The Information Officer would need to approve the special request.*
7. *The period of 30 working days may be extended, by no more than 30 additional working days, if the information requested cannot be reasonably obtained within the first 30 working days of the original request. The requester will be notified in writing should an extension be required.*
8. *The requester will be informed, in writing, whether access to the document/record requested is granted or denied. If the request is denied, the Information Officer will provide reasons for the denial to the requester.*

APPLICABLE FEES

Section 54(1) of PAIA mandates that the Information Officer must, by notice, inform the requester of documents/records regarding any and all applicable fees associated with the request before further processing of the request. No fee applies to a personal requester, in other words persons who are requesting access to their personal information are exempt from paying a fee.

The UDM takes guidance from the South African Human Rights Commission (SAHRC) when determining the fee structure for “Private Bodies” (Annexure B). However, the fee structure is subject to change in accordance with fluctuations/changes of stipulated fees.

- 1. The PAIA request application fee is R50.00 for each application for documents/records.*
- 2. Additional fees are to be determined based on the format requested by the requester (see Annexure B).*
- 3. A hard copy of the UDM PAIA manual is available, upon request, at the National Office. The fee for a hard copy of the manual is R10.00 per copy.*

GROUNDS FOR REFUSAL OF ACCESS

Chapter 4 of PAIA stipulates a number of reasons why a request for access to documents/records held by the UDM may be refused. The reasons are listed below and ensure mandatory protection:

- of certain personal information about a third party, including a deceased individual;*
- of certain confidential information of third parties;*
- of certain commercial information of the UDM and third parties that contain:*
 - trade secrets;*
 - financial / commercial / scientific or technical information;*
- if disclosure could endanger the life or physical safety of an individual;*
- if the record is privileged from production due to legal proceedings;*
- of research being or to be carried out by or on behalf of a third party;*
- if the request is clearly frivolous / vexatious or involve an unreasonable diversion of UDM resources.*

REMEDIES: SHOULD ACCESS BE REFUSED

Sections 56(3)(c) and 78 of PAIA indicates the procedures for lodging an external appeal, should a request be refused by the UDM.

The UDM does not have internal appeals process on refused requests for documents/records. The decision made by the Information Officer is final.

ANNEXURE A: REQUEST APPLICATION FORM

Section 53(1) of the Promotion of Access to Information Act 2 of 2000

Details of individual requesting access to the document/record	
Full names:	
Surname:	
Identity number:	
Telephone number:	
Email address:	
Fax number:	
Postal / physical address:	

Details of person on whose behalf the request is being made	
Full names:	
Surname:	
Identity number:	

Details of the document/record being requested	
Description of the document/record being requested:	
Description of relevant section of document/record being requested:	
Page numbers / reference number of document/record:	
Any further details of the document/record being requested:	
Indicate the right being exercised or protected in this request for access:	
Explain why access to the document/	

record is being requested:	
Fees	
<ol style="list-style-type: none"> 1. <i>The request for a document/record will only be actioned once applicable fees are paid.</i> 2. <i>At the time of the request, the requester will be notified as to the amount to be paid. The amount is dependent on the request.</i> 	
If an exemption of the fee is applicable, explain why:	

Please indicate the preferred form or receipt of the document/record and correspondence on the request	
Postal / physical address:	
Email:	
Fax:	

Signed at _____ this _____ day of _____ year _____

Signature of the requester/person on whose behalf the request is being made

Received by: _____ (name / surname)

_____ (position within the UDM)

(PAIA/date/request number) _____ (reference number)

R _____ (amount paid)