

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 May 2020)

ACT

To amend the Promotion of Access to Information Act, 2000, so as to provide for information on the private funding of political parties and independent candidates to be recorded, preserved and made available; and to provide for matters connected therewith.

Parliament of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 2 of 2000, as amended by section 21 of Act 42 of 2001, section 1 of Act 54 of 2002 and section 6 of Act 24 of 2015

1. Section 1 of the Promotion of Access to Information Act, 2000 (hereinafter referred to as the “principal Act”), is hereby amended—

- (a) by the substitution for the definition of “head” of the following definition:
 - “**head**” of, or in relation to, a private body means—
 - (a) in the case of a natural person, including a person referred to in paragraph (c) of the definition of “political party”, that natural person or any person duly authorised by that natural person; 10
 - (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
 - (c) in the case of a juristic person—
 - (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or 15
 - (ii) the person who is acting as such or any person duly authorised by such acting person; or
 - (d) in the case of political party, the leader of the political party or any person duly authorised by that leader;” 20
- (b) by the insertion after the definition of “personal requester” of the following definition:
 - “**political party**” means—
 - (a) any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998); 25

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- (b) any registered political party as defined in the Electoral Act, 1998; or
 - (c) a natural person who is an independent candidate;” and
- (c) by the substitution for the definition of “private body” of the following definition: 5
- “**private body**’ means—
- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - (b) a partnership which carries or has carried on any trade, business or profession; **[or]** 10
 - (c) any former or existing juristic person; or
 - (d) a political party,
- but excludes a public body;”.

Insertion of section 52A in Act 2 of 2000

2. The following section is hereby inserted in the principal Act after section 52: 15

“Recording, preservation and disclosure of records on private funding of political parties

52A. (1) The head of a political party must—

- (a) create and keep records of—
 - (i) any donation exceeding the prescribed threshold that has been made to that political party in any given financial year; and
 - (ii) the identity of the persons or entities who made such donations;
- (b) make the records available on a quarterly basis, as prescribed; and
- (c) keep the records for a period of at least five years after the records concerned have been created. 20 25

(2) For the purposes of this section—

- (a) “**donation**” means a donation as defined in section 1;
- (b) “**financial year**” means a financial year as defined in section 1; and
- (c) “**prescribed threshold**” means the prescribed threshold contemplated in section 9(1)(a), 30

of the Political Party Funding Act, 2018 (Act No. 6 of 2018).”.

Amendment of Contents of Act of Act 2 of 2000

3. The Contents of Act of the principal Act is hereby amended by the insertion after item 52 of the following item: 35

“52A. Recording, preservation and disclosure of records on the private funding of political parties”.

Short title and commencement

4. This Act is called the Promotion of Access to Information Amendment Act, 2019, and commences on a date determined by the President by proclamation in the *Gazette*. 40