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THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

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FOREWORD

The passage of the Promotion of Access to Information Act 2 of 2000 (PAIA) was an important addition to the development of South Africa's open democracy. The law is an important resource for the realisation of the constitutional objectives of transparency and open government. As with any other law, the utilisation of our access to information law by the public to exercise the constitutionally entrenched right of access to information and the implementation of the obligations prescribed on public and private bodies have exposed flaws in the design of the law that need to be addressed.

The South African Human Rights Commission (SAHRC) has sought to enforce compliance by public and private bodies with their legal mandate despite our limited financial resources and the restricted scope of our enforcement powers under PAIA.

We welcome the expanded enforcement powers granted to the Information Regulator in terms of PAIA. However, we would like to additionally request Parliament to take public institutions to task in addressing non-compliance with PAIA obligations. As this report demonstrates, 17 years after the passage of PAIA, majority of public bodies particularly at the local government level are still non-compliant with reporting obligations to the SAHRC on their handling of PAIA requests each financial year. In the last reporting period, 254 out of 278 municipalities failed to submit their reports to the SAHRC.

As the SAHRC looks ahead in handing over our PAIA mandate to the Information Regulator, we have many successes and challenges to share. In this report, we focus on our monitoring mandate with regard to the state of access to information in South Africa. We welcome the work of various civil society organisations and applaud the emerging jurisprudence of the courts in relation to the protection of the right of access to information. We look forward to a productive partnership with Parliament and the Information Regulator in entrenching a culture of openness in South Africa's public and private sector.

Tseliso Thipanyane
Chief Executive Officer



EXECUTIVE SUMMARY

This report is intended to be the combined report tabled by the SAHRC in terms of our mandate prescribed under PAIA for the 2015-2016 and 2016-2017 reporting periods. With the establishment of the Information Regulator and the transfer of the SAHRC's powers to the Information Regulator in terms of the Protection of Personal Information Act 4 of 2013, the reporting functions in terms of PAIA now rest with the Information Regulator. The findings of this report include the current state of affairs in terms of implementation of PAIA by the public sector primarily. This report also validates existing reports published by various organisations and stakeholders on the state of access to information in South Africa. Furthermore, the report highlights notable judgments from the courts that have advanced the interpretation of PAIA. This report concludes with recommendations to Parliament that highlight paths for reform to improve the efficiency of PAIA as a mechanism to safeguard the right of access to information. A statistical analysis of PAIA reports submitted by government departments in terms of their statutory responsibilities in section 32 of PAIA to record how PAIA requests were handled over a reporting period is annexed.





PREFACE

In terms of Sections 83 and 84 of PAIA, the SAHRC is required to fulfil a number of legislative requirements. One of these functions is the tabling of a report to the National Assembly. The report must set out any recommendations the SAHRC has made in terms of Section 83(3)(a) relating to the “development, improvement, modernisation, reform or amendment” of PAIA (as well as any other legislation relating to access to information). In terms of Section 84(b) of PAIA, the report must also include statistical data relating to the PAIA requests handled by public bodies. The duty to report to the SAHRC is a mandatory requirement imposed on all public bodies. Section 84 (b) requires that the number of requests received, how these requests were dealt with and the outcomes should specifically be included in the report. Submissions from public bodies to the Commission on an annual basis in terms of Section 32 of PAIA provide the data informing reporting in terms of Section 32.





LIST OF ABBREVIATIONS

ATI	Access to Information
CER	Centre for Environmental Rights
DPME	Department of Planning Monitoring and Evaluation
DIO	Deputy Information Officer
DMR	Department of Mineral Resources
EITI	Extractive Industry Transparency Initiative
FICA	Financial Intelligence Amendment Act
MPAT	Monitoring Performance and Assessment Tool
NERSA	National Energy Regulator of South Africa
OGP	Open Government Partnership
PAIA	Promotion of Access to Information Act
SAHRC	South African Human Rights Commission
SLP	Social and Labour Plans
SCA	Supreme Court of Appeal
VEJA	Vaal Environmental Justice Alliance



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1. Introduction

The explosion of the age of information technology has revolutionised our understanding and management of information. The information produced in the last 50 years globally is said to be more than the information produced in the last five millenia.¹ The generation of these volumes of information has created a phenomenon that has disrupted the traditional understanding of who holds information, how and when to access, as well as what mechanisms to use. The constant supply of information through various media platforms, whistleblowing, information leaks and usage of big data has obfuscated the traditional forms of information access, particularly through the use of official requests using PAIA. However, despite the new patterns of information access, the government and the private sector still control large bodies of information. The control of various categories of information and prevention of public disclosure restrict the ability of the public to fully participate in a democratic project of holding public and private actors accountable.

The voluntary and proactive disclosure of information is provided for by sections 15 and 52 of PAIA, yet this practice remains elusive within both the public and private sector. Consequently, access to information is still contested between the holders of information and those who demand it. This contest takes place through various forms. It occurs through bureaucratic hurdles introduced in practice by the state to frustrate public requests, through demands for compliance with the rigid criteria for information access imposed by PAIA, and through deliberate non-compliance with PAIA by public and private actors. As a result of these barriers, members of the public have come to rely on the South African Human Rights Commission and the courts in protecting their right of access to information and to seek remedies for non-compliance with PAIA.

Within this challenging context, principles of proactive disclosure, open government, transparency and public accountability need to be re-emphasised and mandated within government and the private sector. This comes especially important at a time when there are new challenges relating to the deliberate creation and dissemination of false information to create impacts that have real consequences and threaten the stability of South Africa's democratic dispensation. An example of this is the Bell.

¹Robert Abbott 'The World as Information: Overload and Personal Design' 1999, Intellect Books, p.1



Pottinger debacle in South Africa where a deliberate campaign was created to incite racial hatred that serves the agenda of minority interests.² This shows the importance of transparency to identify and distinguish fake information from real information and the necessity to hold various actors accountable for generating false information.

The exercise of the right of access to information, which is protected in section 32 of South Africa's Constitution, is intended to serve as a means to an end where trust and accountability can be built. Moreover, the constitutional right of access to information can facilitate the exercise or protection of other human rights. It is within this context that the SAHRC 2015-2017 PAIA report to Parliament addresses the successes and challenges confronting the usage of PAIA to access information, particularly in the public sector. This report also highlights the current trends in the handling of information requests, the interpretation adopted by the courts over the two reporting periods (2015/16 and 2016/17) and the key areas for reform.

2. Mandate of the SAHRC

In terms of the Constitution, the SAHRC has a threefold constitutional mandate: promotion; protection; and monitoring of human rights. Sections 83-84 of PAIA set out the mandate of the SAHRC with respect to PAIA.

2.1. Promotion mandate

One of the important roles of the SAHRC as contained in Section 83 of PAIA is to promote the right of access to information. The promotional work of the SAHRC broadly aims to advance the right of access to information through the following means:

- Educating public and private bodies about the objectives of PAIA, their duty to implement and comply with PAIA in their respective institutions and to encourage them to operate in a transparent manner through making information available to members of the public; and
- Educating members of the public, in particular members of disadvantaged communities, about their right to access information, the means of asserting the right and the potential the right creates for the realisation of other rights.

²<http://ewn.co.za/2017/09/08/bell-pottinger-fights-for-survival-after-south-africa-scandal>.



In the implementation of this mandate, the SAHRC conducted more than 14 PAIA trainings including for unique institutions such as Gauteng Gambling Board and the National Nuclear Regulator. At the local government level, the City of Johannesburg was the only municipality that approached the SAHRC for training.

2.2. Protection mandate

Complaints lodged with the SAHRC are dealt with in terms of the SAHRC Act 40 of 2013, the SAHRC's Complaints Handling Procedures, and the applicable provisions of PAIA. Assistance to members of the public range from advisory on the completion of PAIA request and appeal forms, guidance on the interpretation and application of provisions of PAIA and liaising with information holders on behalf of requesters.

In the reporting period 2015-2016 and 2016-2017, the SAHRC received a total of 150 and 171 complaints respectively relating to violation of the right of access to information. In one notable case, the SAHRC produced an investigative report in the matter of *Lubbe Viljoen v University of Pretoria*.³ The complainant alleged that the University of Pretoria had discriminated against him on the basis of his disability. In an attempt to seek redress, the complainant attempted to access some records from the university utilising PAIA. During the course of the SAHRC's investigation, the SAHRC noted that the university was not fully compliant with PAIA procedures and recommended that the university review and align its processes in accordance with PAIA and to provide a list of automatically available records including its disability policy in terms of section 14 of PAIA. The University ultimately revised its disability policy and implemented measures to improve its compliance with PAIA.

2.3. Monitoring mandate

Section 83(3)(a) and 84 of PAIA requires the SAHRC to make recommendations for the development, improvement, modernisation, reform or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies. These recommendations are intended to strengthen PAIA, and advance the realisation of the right of access to information. The rest of this report

³(GP/2012/0677).



addresses the emerging trends, findings, and recommendations arising out of the SAHRC's implementation of our PAIA mandate, reports prepared by interested stakeholders, as well as PAIA court cases.

3. The state of play on PAIA

While the right of access to information is guaranteed by the Constitution, PAIA was envisaged by Parliament as the enabling framework for the realisation of this right. The exercise of the right of access to information extends to both the public and private sector and the SAHRC was originally envisaged as the oversight institution to monitor compliance with obligations imposed by PAIA. While the Information Regulator has been established in terms of the Protection of Personal Information Act to take over the SAHRC's powers and function in terms of PAIA, legislative responsibility to report on compliance with PAIA and the effect on the right of access to information still lie with the SAHRC pending the full operationalisation of the Information Regulator.

There is a long track record of secrecy in government which dates back to the Apartheid regime. The legacy of secrecy allowed the violation of human rights as well as corrupt activities to continue undetected. Today, the high premium placed on secrecy by public bodies in general has led to the development of an inherent culture that perceives the notion of open government as a concept that hinders government administration. This is further aided by the liberation movement's own legacy of having had to operate in secrecy during the authoritarian apartheid regime.

While the constitutional drafters recognised the value of transparency in promoting participatory democracy through the translation of these values into a constitutional human right, government principles, such as Batho Pele (the people first) aimed at open governance, also reflect this. However, translating these ideals into government practice across all levels and spheres of government has been slow over the past twenty-three years. The Batho Pele principles represent government's commitment to consult with the public, to provide accurate information about public services, and to be open and transparent. However, this foundational principle, supported by the foundational constitutional values of openness, responsiveness and accountability,

⁴<http://www.dpsa.gov.za/Abridged%20BP%20programme%20July2014.pdf>



the constitutional right of access to information and the enactment of PAIA, have failed to yield the results of open government envisaged when PAIA was passed in 2000.

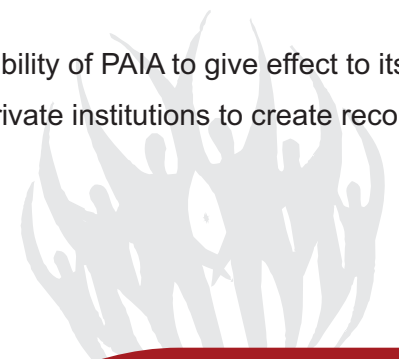
As this report demonstrates, public institutions still fail to comply with the minimum requirements of PAIA that each public entity should designate a deputy information officer; develop a manual that lists the records held by a public body and how to access it; develop a category of records that are automatically available and where to access it as well as to submit an annual report to the SAHRC on how requests for information were handled over the course of a financial year. This failure to comply exists despite the attempts by the Department of Planning, Monitoring and Evaluation (DPME) to monitor compliance with PAIA through the Monitoring Performance and Assessment Tool (MPAT) review process. This suggests a lack of prioritisation and lack of political commitment to comply with the spirit of PAIA.⁵

The challenges facing the implementation of PAIA are further compounded by the SAHRC's inability to allocate adequate resources to oversee compliance by public and private institutions with PAIA obligations. Section 85 of PAIA provides that Parliament must allocate financial resources to the SAHRC for purposes of our PAIA functions. Parliament failed to allocate the required financial resources and the SAHRC did not request these resources ostensibly in anticipation of the full establishment of the Information Regulator to take over the SAHRC's functions, which has subsequently been delayed. Furthermore, the continued lack of resources to effectively monitor private sector compliance has led the Department of Justice to again pass regulations that exempt some private entities from submitting PAIA manuals that document the categories of information held and how to access the information from these entities.⁶

Within the framework of PAIA itself, there are continued challenges with certain provisions in the law which in effect restrict the ability of PAIA to give effect to its own legislative objectives. For instance, while PAIA creates a right to access records, it does not provide an obligation for public or private institutions to create records.

⁵See sections 14, 15, 17 and 32 of PAIA.

⁶See Government Notice No. 39504, published on 11 December 2015 which only requires private bodies with more than 50 employees and an annual turn over in excess of R22.5 million in the case of mining companies to submit a manual in terms of section 51 of PAIA.





Furthermore, the obligation to pay fees, fill out cumbersome PAIA application forms, and the requirement to wait for potentially 60 days after a PAIA application is lodged create bureaucratic hurdles that lessen the utility of PAIA in accessing information.

In addition, there are several grounds of refusal created under PAIA which legitimately allows a public or private institution to reject information requests.⁷ Given these exemptions to disclosures of information provided under PAIA, the provisions of section 46 and 70 of PAIA are meant to create an override to the withholding of information because of the public interest nature of the information. These provisions require disclosure if the information requested shows a serious contravention or failure to comply with the law or an imminent and serious public safety or environmental risk *and* the public interest clearly outweighs the harm contemplated in the ground for refusal. As will be demonstrated in this report, the trends in the handling of information requests by public institutions have failed to grant access to information based on the public interest provision of PAIA.

Other constraints of PAIA include the lack of internal appeal mechanisms for certain public institutions and all private bodies. This means that for these institutions, users of PAIA have to rely on the SAHRC to seek remedy or approach the courts directly. The Protection of Personal Information Act, which will amend PAIA once fully in effect, introduces new internal appeal mechanisms to the Information Regulator. Noting how cumbersome, prolonged and costly the usage of courts are, and the lack of enforcement powers by the SAHRC in terms of PAIA, the urgency for the establishment of the Information Regulator cannot be more pronounced.

The appointment of the Information Regulators is a welcome development. However, it is crucial that this body goes into operation as quickly as possible with notable financial and human resources allocated to the body to avoid some of the oversight challenges faced by the SAHRC in the implementation of its PAIA mandate.

⁷The grounds for refusal are listed in sections 34-45 (for public bodies) and 63-69 (for private bodies) of PAIA and include the protection of privacy of a third party who is a natural person; protection of commercial information of a third party; protection of certain confidential information of a third party; protection of safety of individuals and protection of property; protection of records privileged from production in legal proceedings; commercial information of a private body; and protection of research information of third party and private body.



4. Trends in the implementation of PAIA

This section validates certain research reports produced by various organisations on PAIA in the applicable reporting period and reports on the emerging trends arising from court judgments.

4.1 PAIA implementation by public and private bodies

A key problem with the implementation of PAIA relates to the lack of adherence to the processes in PAIA by government officials. This is exemplified in the recent Access to Information (ATI) Report released by the Africa Freedom of Information Centre on the state of ATI in Africa.⁸ In the South Africa chapter, a study was conducted with 5 public bodies and 21 information requests were submitted to the various public bodies. The results of the study showed that less than 50 percent of requests submitted resulted in the release of records. However, there was only one deemed refusal (no response to the request) which shows requests are being acknowledged and deliberately not being granted. A trend picked up in the study is the increase in transfer of requests (6 out of 21 in this case) to other institutions without offering reasons for the transfer to the requester. This creates a position that cannot be appealed especially where transfers are done in error and frustrate the process of accessing information.⁹

The ATI report makes a number of recommendations to improve the state of ATI in South Africa. These include the need to deformalise PAIA requests, equipping state institutions with resources for records creation and management, greater emphasis on proactive disclosure of information as well as ensuring that PAIA covers public-private partnerships where consortiums are created to carry out a public function and are subsequently dissolved after the conclusion of a project without the records of such consortiums being accessible by the public.¹⁰ As will be noted in the emerging court cases discussed below, the problem of inability to access information from institutions that straddle the public-private divide concerns the SAHRC.

⁸ Africa Freedom of Information Centre, 'State of Right to Information in Africa Report in the context of the Sustainable Development Goals' 2017, p. 127-133.

⁹ Section 23 of PAIA.

¹⁰ Africa Freedom of Information Centre Report, note 8.



A number of civil society organisations, called the Access to Information Network, on an annual basis produce what is called the Shadow Report. The Shadow Report is compiled using statistics from PAIA requests submitted by members of the network. In their 2016 report, a total of 369 requests were submitted during the period 1 August 2016 to 31 July 2016.¹¹ Only 34 percent of the information requests submitted to public bodies were granted in full. 58 percent of the refusals were deemed refusals. In 64 percent of the cases where these deemed refusals were appealed, the requesters did not receive any responses to the internal appeals. This trend reflects the lack of seriousness with which PAIA obligations are regarded by public bodies, and deplorable non-compliance by public institutions with their obligations in terms of PAIA. The most common ground for refusal was that the records requested cannot be found or do not exist in terms of section 23 of PAIA. This was followed by section 36 of PAIA which provides that the information requested was the commercial information of a third party.¹² This reinforces the urgent need for PAIA to mandate the creation of records and to compel the investment in records management by public institutions. The trend also shows that public institutions tend to prioritise the interests of private entities over that of the public in making a decision about whether to grant access to a request.

For the private sector, 10 of 15 requests submitted to private bodies were denied.¹³ Similar to the public sector, the most common ground for refusal was that the records requested cannot be found or do not exist in terms of section 25 of PAIA.¹⁴

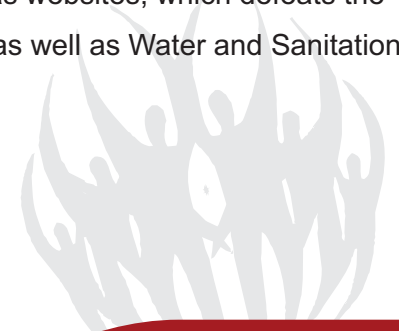
Although PAIA provides a mechanism for the automatic accessibility of records, while some public and private bodies specify the records that are automatically available in terms of their section 15 and 52 notice respectively, these records are not made available on public platforms such as websites, which defeats the objective of this provision for easy access to records. However, it should be noted that the Department of Environmental Affairs as well as Water and Sanitation indicated in their PAIA

¹¹ Access to Information Network, 'Shadow Report 2016' www.cer.org.za/wp-content/uploads/2017/03/ATI-Network-Shadow-Report-2016.pdf

¹² Ibid, p. 3.

¹³ Ibid, p. 4.

¹⁴ Ibid.





manual of 2016 the automatic publication of environmental authorisations, waste management and emission licences as well as water use licenses.

Another institution, the Open Democracy Advice Centre (ODAC) conducted a research exercise to test the possibility of an automated online requesting process for PAIA.¹⁵ In the study, it was found that more than 65 percent of the research respondents would not make use of PAIA because they do not believe they would get a response.¹⁶ The main reason outlined for this was the time period to process requests or the lack of responsiveness to PAIA requests.¹⁷

In another desktop study conducted on behalf of the Open Society Foundation in relation to PAIA, an evaluation of the various trends in refusals of information requests as well as the emerging court cases on PAIA revealed that there is a need to review the grounds for refusals in terms of PAIA.¹⁸ Other recommendations include the importance of proactive disclosure and complementing PAIA with other regulatory measures and initiatives discussed further below in this report.

In an ongoing multi-year research project on the effectiveness of Social and Labour Plans (SLPs) to achieve environmental justice, several PAIA requests were submitted by the Centre for Applied Legal Studies at Wits University to enable an analysis of the SLPs of mining companies which are not always made automatically available. The research report shows that though SLPs are now automatically available in terms of the PAIA manual of the Department of Mineral Resources (DMR), this accessibility is limited to 'interested and affected persons', a qualification that does not exist in terms of voluntary disclosure provisions of PAIA.¹⁹ Furthermore, only 50 percent of mining companies made their SLPs publically available despite the DMR notice.²⁰

¹⁵ G Razzano 'Accessing information? What we know from user experiences' Open Democracy advice Centre 2015: http://www.opendemocracy.org.za/images/docs/publications/PAIA_Users.pdf

¹⁶ Ibid p 5.

¹⁷ Ibid p 6.

¹⁸ O Adeleke & TL Humby 'The Promotion of Access to Information Act and mining related disclosure practices in the public and private sectors: Experiences, Successes, Shortcomings and Reform' Open Society Foundation 2016, http://www.osf.org.za/wp-content/uploads/2017/01/OSF-Extractives-Working-Paper_PAIA-and-Mining-Related-Disclosure-Practices.pdf p. 15-19.

¹⁹ Centre for Applied Legal Studies 'The Social and Labour Plan Series Phase 2: Implementation Operation Analysis Report' 2017, <https://www.wits.ac.za/cals/our-programmes/environmental-justice/social-and-labour-plans/> p. 41.

²⁰ Ibid, p. 42.



This lack of transparency is concerning noting that as far back as 2015, the former Minister of Mineral Resources in South Africa acknowledged the lack of transparency as a contributory factor to the challenges facing the mining industry in South Africa.²¹ In 2016, another former Minister of Mineral Resources also acknowledged the lack of access to licensing data as evoking suspicion of the licensing process in the mining industry.²² Yet, no comprehensive proposals have been made by government to address transparency concerns.

Another institution, the Centre for Environmental Rights (CER) conducted a trends analysis of information requests submitted between 2010 and 2015 to 237 government departments, 14 parastatals and 39 private bodies.²³ The analysis found that a total of 290 PAIA requests were lodged in the applicable period and the protection of commercial information of third parties continued to be a widely relied upon ground of refusal for information requests alongside records that cannot be found or do not exist.²⁴

Of notable concern in the CER report was the discrepancy in the section 32 report received from the DMR for the SAHRC's 2013-2014 report and the number of PAIA requests actually submitted by CER. For example, while the DMR only reported 6 internal appeals as lodged, CER alone lodged 12 internal appeals to DMR. Furthermore, while the DMR reported to the SAHRC that they never sought extension of time on PAIA requests lodged with them, CER noted that it was because PAIA requests were being ignored altogether.²⁵

The SAHRC relies on the good faith submissions of public bodies and does not have the resources to verify the accuracy of section 32 reports lodged with us. Recognising that the discrepancy in section 32 reports are common across board and this is not the first time that the SAHRC has received complaints about inaccurate reporting by

²¹ [Comments of Minister of Mineral Resources at the World Economic Forum.](#)

²² http://www.internationalresourcejournal.com/features/january11_features/mine_regulations_changing_in_south_africa.html

²³ Centre for Environmental Rights 'Signs of Hope?' <https://cer.org.za/wp-content/uploads/2015/11/Signs-of-Hope-Nov-2015.pdf> 2015, p. 2.

²⁴ Ibid.

²⁵ Ibid, p. 9.



government departments,²⁶ the SAHRC recommends to Parliament that the new Information Regulator should introduce a system of randomised audit of section 32 reports received from government institutions.

In terms of the MPAT developed by the DPME, a performance area on access to information was developed with the help of the SAHRC in 2013. In the revised standards, at a minimum, government departments are required to have the following:

- Designation of a Deputy Information Officer
- Section 14 manuals in at least 3 official languages
- Proof of submission of section 15 notice to the Department of Justice
- Records management policy
- Section 32 report as submitted to the SAHRC

Furthermore, the MPAT standards provide that for a truly PAIA compliant public body, PAIA will be included in management discussions to inform compliance.²⁷ While the most recent MPAT reports are currently not publically available to assess trends, the most recent statistics show that only 6 of 41 national public departments are fully compliant with the criteria listed above.²⁸

4.2. The interpretation of PAIA in the courts

The implementation of PAIA particularly on the part of public institutions continues to highlight some worrying trends that have also emerged in the nature of the PAIA court cases that occurred in the reporting period of the past two years. Several cases dealing with the interpretation and application of PAIA were recorded over the last two years. This report focuses on notable judgments primarily emerging from the Supreme Court of Appeal and the Constitutional Court.

²⁶This was the subject of a complaint also received by the SAHRC in 2017 against Legal Aid SA for allegedly not accurately reporting on PAIA in their section 32 report.

²⁷<http://www.dpme.gov.za/keyfocusareas/mpatSite/MPAT%20Standards/MPAT%20Standards%202016.pdf>

²⁸DPME 'The state of management practices in the public sector' 2013

<http://www.dpme.gov.za/keyfocusareas/mpatSite/MPAT%202013/MPAT%20report.pdf>



In the case of *Nova Property Group Holdings v Cobbett*,²⁹ Moneyweb Ltd (Moneyweb), a media company, attempted to use section 26 of the Companies Act 71 of 2008 to access the securities register of a number of companies. Section 26 guarantees the right of access to information and specifically provides that the content of the section are in addition to, and not in substitution for, any rights a person may have to access information in terms of section 32 of the Constitution and PAIA.

For more than two years, the information request from Moneyweb was refused, which prompted the application to court. The Supreme Court of Appeal (SCA/the court), noted in this case that section 26 provided an unqualified right for members of the public to access securities registers because 'Parliament would have been alive to the fact that the procedures of PAIA can readily be used as an instrument to frustrate and delay access to records.'³⁰ The court noted the difficulty created by the PAIA requirement that a requester of information held by a private body first needs to demonstrate that the information requested is necessary for the exercise or protection of a right. The holder of the information must also identify a ground of refusal which allows the rejection of information requests if the record requested might contain certain information concerning a third party.³¹ This triggers a notification to the third parties to enable a private body to decide whether to grant or refuse a request. This provision in section 71 of PAIA requires the notification to potentially hundreds of holders of securities, which 'will effectively put the securities registers out of the reach of the requester indefinitely, and certainly far beyond the natural life cycle of a relevant journalistic investigation.'³² Consequently, the court held that:

“this demonstrates that PAIA will not provide journalists prompt access to securities registers – for whom timely access is essential. Thus, if the PAIA limitations apply to s 26(2) requests, the inconvenience and cost of an application to court to challenge a refusal on those grounds will greatly inhibit access to securities registers. Given the significant expenses involved in the

²⁹ [2016] ZASCA 63.

³⁰ *Ibid*, para 23.

³¹ *Ibid*.

³² *Ibid*.



court process, it will in most cases lead to important investigations being aborted rather than an application to court being pursued”.³³

The SCA in this case was alive to the cumbersome procedures that PAIA presents and its ineffectiveness as a mechanism to access information. According to the court:

“Journalists must be able to have speedy access to information such as the securities register... Interference with the ability to access information impedes the freedom of the press. The right to freedom of expression is not limited to the right to speak, but includes the right to receive information and ideas. Preventing the press from reporting fully and accurately, does not only violate the rights of the journalist, but it also violates the rights of all the people who rely on the media to provide them with 'information and ideas’”.³⁴

The court also addressed concerns around privacy and the motive of the information requester by holding that through 'an unqualified 'right' of access to a company's securities register in s 26(2) of the Companies Act, the legislature has chosen to prioritize the right of access to information over the privacy rights of shareholders and companies. In the absence of an express limitation of that right by the legislature, it is not for the court to limit it because of some nebulous spectre of abuse, particularly where as in this context, there are built-in safeguards against the disclosure of confidential information.³⁵ Furthermore, the court held:

“The media cannot be precluded from accessing information because the subject of the likely reportage considers that the reportage will be unfavourable and unfair....Citizens and public interest groupings rely on this right to uncover wrongdoing on the part of public officials or for accessing information to report on matters of public importance. The Constitutional Court has noted that the media has a duty to report accurately, because the “consequences of inaccurate reporting may be devastating.”

³³ Ibid, para 24.

³⁴ Ibid, para 37.

³⁵ Ibid, para 42.



It goes without saying that to report accurately the media must have access to information. Access to information is “crucial to accurate reporting and thus to imparting information to the public.”³⁶

This notable judgment reinforcing the centrality of the media in our constitutional democracy not only applies in respect of the attitude of the private sector to the press but also extends to the state, which may aim to restrict information access to the media. Where access is obstructed, the media is unable to fulfil its reporting functions to the general public. Public participation and accountability are central to our democracy and must be constantly safeguarded.

In *Company Secretary, Arcelor Mittal South Africa Ltd v Vaal Environmental Justice Alliance (VEJA)*,³⁷ Arcelor Mittal refused to grant information requests lodged by VEJA in relation to 'documented historical operational and strategic approach to the protection of the environment in the Vanderbijlpark and Vereeniging areas, in each of which they operate a major steel plant.'³⁸ The High Court had granted access to the requested documents. In confirming this order, the SCA held that 'corporations operating within our borders, whether local or international, must be left in no doubt that in relation to the environment in circumstances such as those under discussion, there is no room for secrecy and that constitutional values will be enforced. This judgment again affirms the importance of holding private actors to a high standard of transparency noting the public interest effect of their activities.

In the case of *NERSA v Borbet SA (Pty) Ltd*,⁴⁰ Borbet sought information from NERSA and Eskom in terms of PAIA to challenge the decision of NERSA to approve an additional 1.4 per cent increase in the electricity tariff.⁴¹ The respondent sought reasons for the decision both from Eskom and NERSA. NERSA expressed concerns about Eskom's confidential commercial information where ESKOM had made a regulatory clearing account application to increase their electricity tariff for consumers

³⁶ Ibid, para 42 quoting *City of Cape Town v South African National Roads Authority Limited & others* [2015] ZASCA 58 para 20.

³⁷ 2015 (1) SA 515 (SCA).

³⁸ Ibid, para 2.

³⁹ Ibid, para 82.

⁴⁰ [2017] ZASCA 87

⁴¹ Ibid, para 2.



According to the SCA, the taxpayer and the consumer ultimately bear the burden of Eskom as a strategic national asset. Consequently, optimum efficiency and accountability are necessary.⁴² Focusing on the confidentiality and transparency aspect of the respondent's argument, the SCA noted that:

“State owned enterprises have to resist the impulse to immediately resist constitutionally permissible judicial scrutiny. This includes resistance to making information available that rightly belongs in the public domain. After all, they are, through the State, owned by the nation... there might well be commercial confidentiality that attaches to certain commercial contracts but the default position should be to make information available subject to justifiable redaction”.⁴³

In the case of *My Vote Counts NPC v Speaker of the National Assembly and Others*⁴⁴, the issue before the Constitutional Court was whether Parliament failed to fulfil an obligation imposed by section 32 of the Constitution for a law to be passed to give effect to the right of access to information. The specific question before the court was whether information regarding the private funding of political parties constitutes information that is required to effectively exercise the right to vote. If the right to vote was interpreted as the right to cast an informed vote, the further question that arose was whether Parliament had fulfilled its obligation to pass legislation that gives comprehensive effect to the right of access to this type of information. If the court found that Parliament had failed to give full effect to its constitutional obligation to legislate in terms of section 32(2) of the Constitution, the applicant requested the Court to require Parliament to remedy the breach.⁴⁵ The majority judgment of the court declined to grant this order primarily because of the doctrine of separation of powers and the failure of the applicants to challenge the constitutional validity of PAIA.⁴⁶ The majority suggested that the nature of the application was an attempt to prescribe to

⁴² Ibid, para 119.

⁴³ Ibid, para 120.

⁴⁴ [2015] ZACC 31.

⁴⁵ Ibid, para 2.

⁴⁶ Ibid, para 121.



Parliament how to legislate in a particular manner.⁴⁷ The majority also noted the fact that the validity of PAIA was ultimately at issue but the applicant disavowed any challenge to the constitutional validity of PAIA.⁴⁸ As a result, the majority dismissed the application. On the other hand, the minority noted the centrality of access to information for the meaningful exercise of the right to vote.⁴⁹ For the minority, this includes knowing the private sources of political parties funding.⁵⁰ The minority specifically noted that private donations are not made without an agenda. The minority judgment held that Parliament had envisaged that PAIA would fulfil the entire obligation created in terms of section 32 of Constitution⁵¹, however, the challenge on the fulfillment of Parliament's obligation was not contingent on the validity of PAIA.⁵² Consequently, the minority noted that Parliament leaves an unconstitutional void in relation to political parties' private funding.⁵³ The minority noted the deficiencies of PAIA in that the Act operates 'pairwise' in that information is only granted on request, which does not allow the general electorate to be meaningfully informed by dozens of political parties on a systematic basis.⁵⁴ Furthermore, the application of PAIA to only records and not information, as well as the lack of a duty for records to be created, were noted by the minority as inhibiting access to the political party funding.⁵⁵ In addition, the minority noted that PAIA only applies to public and private bodies and political parties do not easily fit into either of these descriptions because they may not be juristic persons in terms of the definition of private bodies and, they are not public bodies.⁵⁶

It is interesting to note that the issue that the Constitutional Court was concerned with in the *My Vote Counts* judgment is now currently being addressed by Parliament in a special hearing that was held in August 2017. The SAHRC welcomes this development and urges Parliament to prioritise the consideration of the adoption of a law that specifically addresses political parties' funding from private sources.

⁴⁷ Ibid, para 156.
⁴⁸ Ibid, para 184.
⁴⁹ Ibid, para 40-41.
⁵⁰ Ibid, para 42.
⁵¹ Ibid, para 66.
⁵² Ibid, para 84.
⁵³ Ibid, para 88.
⁵⁴ Ibid, para 95-96.
⁵⁵ Ibid, para 97-101.
⁵⁶ Ibid, para 108-116



The SAHRC appreciates the need for a delicate balancing act. Some arguments against the adoption of this proposed law include the possible victimization of donors of opposition parties which will threaten South Africa's multi-party democracy. However, the egregious effect of lack of transparency for private funding of political parties and the good practices from other jurisdictions suggests that the adoption of this law will strengthen our democracy. This will ensure that political parties are accountable in terms of the interests they support and how that influences the agenda of the political parties in governance.

5. The path to reform of PAIA

The various research reports and judgments of the courts discussed in this report highlight the need for several amendments of PAIA, which are discussed below.

5.1. Expanding the scope of PAIA

Section 12 of PAIA does not apply to a record of the proceedings of cabinet or its committees. It has been suggested that this limitation is a 'prima facie infringement of the constitutional right of access to information.⁵⁷ A need to revise the scope of application of PAIA as far as cabinet records are concerned was studied through a constitutional lens that also extended to comparative analysis with other jurisdictions.⁵⁸ Cabinet secrecy is said to be rooted in the English principle of collective responsibility and accountability of members of cabinet for the decisions they make.⁵⁹ However, the rule of cabinet secrecy is no longer absolute in England because the English 'cabinet cannot refuse disclosure solely on account of the fact that it is cabinet information. It must justify the refusal on account of considerations pertinent to the information in question and show that the public interest dictates its non-disclosure.⁶⁰ The same rule also applies in Canada where the rule of secrecy only applies to current deliberations of cabinet and not decisions already taken.⁶¹ Furthermore, the Kenyan Constitution explicitly recognises that the decisions of cabinet must be conveyed to the public.

⁵⁷ K Malan, 'To what extent should the Convention of Cabinet Secrecy still be recognised in South African constitutional law?' 2015 PELJ, p. 2.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid, p. 5.

⁶¹ Ibid, p. 8.



In India, secrecy also only applies to deliberations and not decisions.⁶² Noting these international developments and the likelihood that section 12 does not meet the requirement of section 36 on the justifiable limitation of the right of access to information, we urge Parliament to consider the amendment of PAIA in this regard. Other notable amendments to PAIA suggested in previous SAHRC reports to Parliament are recorded in the table attached as an annexure to this report.

The *My Vote Counts* judgment demonstrates the limits of PAIA in its application to only public and private bodies. With political parties and several other entities such as trade unions and unregistered non-profit organisations occupying a role where public functions are being performed without the necessity of being a juristic person, a PAIA amendment that covers natural persons or quasi-private entities that are performing public functions is necessary.

Several legislative amendments are needed to improve the efficiency of PAIA as well as to benchmark it against the African Union Model Law on ATI which serves as the ideal standard for ATI laws in Africa taking into account unique country contexts.

The application of PAIA needs to extend beyond access to records but must include a duty to create, keep, maintain and organise records to facilitate information access for the public. Furthermore, access to information should extend beyond access to records to include access to information regardless of the medium of storage.

5.2. Improving PAIA procedures

PAIA procedures need to place emphasis on the efficient realisation of the right of access to information. The current application of PAIA by some public institutions places form over substance. The Commission has recorded instances in the past where public bodies were willing to provide information but withheld such information because the access fee of R35 was not paid by a requester. In other instances, information requests are submitted and public bodies ignore the request because a PAIA form was not used to lodge the application. The requesting process in PAIA

⁶²Ibid, p. 11-12.



needs to be simple, clear and accessible. Such reforms would include making provision for oral submissions and only charging fees where the volume of information that needs to be given to a requester places a significant financial burden on the public institution.

The current timeframes to access information prescribed as 30 days with a further extension of an additional 30 days is unduly long especially where the currency of the information is necessary to safeguard lives and liberty.⁶³ The AU model law prescribes 21 days and this can be further reduced where a requester makes a case for the urgency of the release of the requested information.

5.3. Revising the Grounds for Refusals under PAIA

Most denials of PAIA requests that end up in court are often overturned. This demonstrates that too often, the application of the grounds for refusals under PAIA are being misused and incorrectly interpreted by public and private bodies. This demonstrates a lack of understanding of the scope and application of the grounds of refusals that training cannot entirely remedy. The Commission's dwindling financial resources has led to a downscaling of our training responsibilities and we urge public bodies to allocate funding to PAIA training to improve staff skills. Over and beyond that, clarity and precise definitions are required for grounds of refusals such as commercial information of third parties to avoid the blanket reliance on this exemption by public and private bodies. While civil society has played a laudable role in training members of the public and communities in the usage of PAIA, government and various private body associations and oversight bodies need to embark on training for their employees responsible for PAIA if there is a serious commitment to realising the objectives of PAIA.

5.4. Proactive disclosure

The crux of information disclosure today needs to be based on the principle of proactive disclosure of information. The Commission welcomes government's initiative

⁶³ The Nigerian Freedom of Information Act, a more recent law, provides that information requests must be processed within 7 days.



under the Open Government Partnership to develop an open data portal to facilitate ease of access to information. However, the Commission notes that this project has been unduly delayed and urge the speedy roll out of this project. Furthermore, an open data platform only caters for a minority of South Africa's population with access to the internet and smart electronic devices. For the majority of South Africans who still rely on traditional methods of accessing information physically through public offices, the provisions of sections 15 and 52 of PAIA need to be amended at a minimum to align with the AU model list of information that should be automatically made available without a request being lodged.⁶⁴

5.5. Participation in regional and global initiatives

South Africa's participation in the Open Government Partnership (OGP) as a founding member is remarkable. The OGP provides a platform for the government to treat civil society organisations as equal partners and to develop commitments that can push the government to improve public sector governance and to be more accountable and responsive to citizens. In this applicable reporting period, South Africa completed its two-year leadership as Chair of the partnership and in that period, hosted the Africa regional meeting focused on using open government for sustainable development in Africa.⁶⁵ South Africa's end of term report for the last OGP cycle made a number of findings particularly in relation to the government's failure to implement and mainstream public service anti-corruption laws.⁶⁶ The report shows that the country failed to fully complete any of its seven commitments. These commitments were the establishment of:

- an accountability/consequences management framework,
- service delivery improvement forums,
- platform for citizen participation in government,
- environmental management information portal,

⁶⁴ Article 7 of the AU Model Law provides for the automatic disclosure of detailed administrative information, policies, contracts, licenses, permits, authorisations and public-private partnerships granted by the public body or relevant private body, reports, budget, revenue and expenditure information among several others.

⁶⁵ <http://theconversation.com/south-africa-has-work-to-do-to-make-government-more-accountable-70850>

⁶⁶ Independent Reporting Mechanism 'South Africa End of Term Report 2013-2015' 2016 http://www.opengovpartnership.org/sites/default/files/South-Africa_EoT-Report_Dec2016.pdf



- online crowd sourcing tool on data conservation,
- schools connectivity project, and a service rights and responsibilities campaign.

The report further finds that contrary to government's commitment to establish a forum to involve civil society organisations in the partnership process, this joint mechanism has still not being established.

South Africa is now implementing its third two-year action plan for the OGP which will run until 2018. Notable commitments are currently slated for implementation including a citizen-based monitoring of service delivery projects and increasing public participation in government planning and budget processes. Also included is a commitment to implement the G20 commitments on beneficial ownership transparency.

The SAHRC urges Parliament to recommend to the executive, the importance of treating civil society organisations as equal partners in the OGP by setting up a formal mechanism for engagement that can oversee full implementation of the current commitments of the government in the current OGP cycle.

There are other initiatives that can complement the access to information regime of South Africa which the government has been reluctant to join. One of these is the Extractive Industry Transparency Initiative (EITI). Noting that the extractive sector still remains a key economic sector in South Africa and the transparency challenges of this sector have been well documented in various reports, the EITI presents an opportunity for the government to address problems of illicit financial flows, profit shifting and tax avoidance that have real consequences on the failure of mining companies to fully implement their social and labour plans. In 2015, African Finance Ministers including South Africa's former Minister endorsed an AU report that recommended that Africa resource-rich countries should consider joining the EITI.⁶⁷ Nothing that the Financial Intelligence Centre Amendment Act is still a long way to go when it comes to the implementation of the new provisions on beneficial ownership

⁶⁷ Illicit Financial Flows: Report of the High Level Panel on Illicit Financial Flows from Africa Commissioned by the AU/ECA Conference of Ministers of Finance, Planning and Economic Development 2015.



transparency, the SAHRC strongly recommends South Africa's membership in the EITI to tackle the problem of illicit financial flows. A multi-faceted approach that involves both a voluntary process such as the EITI and regulatory approach such as FICA can improve transparency in the extractive industry.

6. Conclusion

The SAHRC recognises that various vested interests might have an incentive to resist open government and transparency in the public and private sector. Secrecy played a major role in sustaining the oppressive Apartheid regime. With the advent of constitutional democracy a mere 23 years ago, this culture of secrecy will be difficult to dismantle. Nevertheless, a sustained commitment and political will is needed to improve open and accountable governance. South Africa's history cannot be allowed to repeat itself in our constitutional democracy. As the SAHRC looks forward to welcoming the Information Regulator in the implementation of the improved protection and monitoring mandate conferred on the body in relation to PAIA, the SAHRC remains committed to fulfilling its constitutional mandate in respect of all of the rights enshrined in the Bill of Rights, including the right of access to information. The SAHRC accordingly urges Parliament to provide the support required for this core human right to be adequately realized in South Africa.



ANNEXURE OF PREVIOUS RECOMMENDATIONS

Issues	Recommendation	Current Status	Year
<p>Section 90(2) makes failure to comply with section 14 of PAIA an offence. However, there is no similar provision in respect of failure to comply with section 32.</p> <p>Compliance with section 14 and 32 are mandatory compliance requirements and the failure of Information Officers to comply with these obligations should be penalised.</p>	<p>The SAHRC recommended that Section 90 of PAIA be amended to include the following wording:</p> <p>“An information officer of a public body who has willing and fully or in a grossly negligent manner, failed to comply with the provisions of Section 32, commits an offence, and is liable on conviction to a fine not exceeding R5000, or imprisonment of a period not less than 2 years”</p> <p>In addition, the SAHRC recommended that public bodies be held to account during their annual accounting to National Parliament for compliance with PAIA.</p>	<p>No action has taken place.</p>	<p>2011/2012</p>



<p>and other types of requests. This limits the potential value that could be derived from the Section 32 reports.</p> <p>For the reasons set out above, the Commission proposed an expansion to the subsections under Section 32 to include reporting on matters which have been litigated on the basis of a deemed refusal or based on one of the grounds for refusals set out in PAIA as well as the outcome of such litigation.</p>	<p>(a) our attention that a number of public bodies are not tracking and reporting on requests submitted to them;</p> <p>(b) Reference to the public body's compliance with the proactive disclosure provisions set out in section 15 of PAIA;</p> <p>Amendment of section 32(d) to include a requirement that public bodies must indicate the specific grounds relied upon to refuse a request for information</p>		
<p>Section 51 places an obligation on private bodies to compile</p>	<p>The SAHRC recommended that the DOJCS reconsider the practical</p>	<p>Current exemption in respect of</p>	<p>2011/2012</p>



<p>information manuals.</p> <p>The Minister of Justice and Constitutional Development (now Department of Justice and Correctional Services) passed certain exemptions allowing for the submission date to be moved to the end of December 2015.</p> <p>Due to the onerous nature of this requirement on not only small businesses but on the SAHRC as well, the SAHRC made submissions that compliance requirements in respect of section 51 be reconsidered.</p>	<p>implications of the complying with Section 51 of PAIA and to provide a further / extended exemption until matter has been properly reconsidered.</p>	<p>submission of Section 51 manuals were extended.</p>	
<p>The SAHCR recommended that the DOJCD provide COGTA with necessary strategic guidelines to facilitate increased compliance levels at local government level.</p> <p>There are also concerns that provincial legislatures appear to view themselves as exempt from compliance with PAIA.</p>		<p>No action has taken place.</p>	



	In addition, it was recommended that a clear directive be issued regarding the process to be followed by the SAHRC regarding the penalty provision.		
The statistical data that is currently required in terms of Section 32 of PAIA is limited in that public bodies are only required to generate generic data in their Section 32 reports. The current structure and content of the report does not provide a complete reflection of how public bodies respond to requests for information. In addition, no provisions are made for the disaggregation of data into requests for personal information	<p>The SAHRC recommended the following in terms of Section 32 of PAIA:</p> <ul style="list-style-type: none">(a) An additional requirement that public bodies must report on requests that have been litigated on; <p>The Commission has also previously raised concerns about the absence of a clear directive within the legislation to enable it to test the veracity of the content of a section 32 report. It has come to</p>	No action has taken place.	2011/2012



<p>Section 15 places an obligation on public bodies to compile a list of automatically available records and to submit such list to the DOJCD.</p>	<p>In 2011, the SAHRC requested a composite list of all public bodies which have complied with Section 15 of PAIA for its records and monitoring purposes.</p>	<p>No action has taken place.</p>	<p>2012/2013</p>
<p>PAIA prescribes fees for requesting information.</p>	<p>A request has been made to the DOJCD to reconsider the imposition of fees on requesters. Should fees be retained, they should be revised to better reflect the increased cost of living.</p> <p>It is envisaged that exemption from fees (or a suitable revision) would assist in increasing transparency, accountability and public participation.</p>	<p>No action has taken place.</p>	<p>2013/2012</p>
<p>Section 19 of PAIA places an obligation on a Deputy Information Officer of a public body to assist requesters when requesting information. The same provision is absent in the section of PAIA dealing with private bodies.</p>	<p>The Commission recommended that the duties of DIO in the private sector be aligned with those of a DIO in the public body so that Section 53 is aligned with Section 18 and 19 of PAIA.</p>	<p>No action has taken place.</p>	<p>2012/13</p>



<p>Clarity on the status of Section 21 companies is needed insofar as PAIA obligations are concerned. Interpreted strictly, section 21 companies do fall under the definition of companies in terms of the Companies Act, but direction from the Department is necessary for certainty on this matter.</p>		<p>No action has taken place.</p>	<p>2011/2012</p>
<p>The wording of section 46 creates an excessive burden of proof for a requester who requires access to records in the public interest</p>	<p>The Commission recommended that the use of the word “and” between subsection (a) and (b) in Section 46 (Public Interest Override) be replaced with the word “or” to lessen the burden on requesters who wish to rely on the provision.</p> <p>This amendment will also increase the grounds upon which the public interest justification may be raised.</p>	<p>No action has taken place.</p>	<p>2011/2012</p>



<p>Sections 25 and 26 of PAIA provide timeframes that should be adhered to when processing requests for information.</p> <p>Through the SAHRC's work, it has become apparent that public bodies are failing to adhere to the prescribed timeframes.</p> <p>In some instances, public bodies also misuse certain provisions of PAIA to derogate from the stipulated time frames. For example, Section 22 of PAIA provides as follows: <i>'The information officer of a public body to whom a request for access is made must by notice require the requester, other than a personal requester, to pay the prescribed fee...'</i></p> <p>Often times, Deputy Information Officers only inform requesters upon the expiration of the 30 (thirty) day period that their requests have not been processed because required payments have not been made.</p>	<p>The SAHRC recommended that PAIA be amended to clearly reflect that the 30 (thirty) day time period cannot be deviated from in any circumstances.</p> <p>In addition, it was recommended that shorter time periods be introduced where access to information is vital to safeguarding the liberty of people.</p>	<p>No action has taken place.</p>	<p>2012/2013</p>
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<p>In 2009, the Rules Board passed rules of procedure for PAIA matters to be heard before Magistrate Courts. These rules were passed in response to calls made by the SAHRC to extend court applications to Magistrate Courts to enable a larger populace to access the courts in respect of PAIA matters. PAIA places an obligation on the Director General of the DOJCD and the Chief Justice to provide training to Magistrates. In terms of section 91(A)(2), only a magistrate who has been trained on PAIA may hear PAIA matters.</p> <p>Since the passing of the rules, the SAHRC has not received confirmation of whether any Magistrates have received the required training</p>	<p>The SAHRC recommended that a judicial colloquium be held to discuss the training of Magistrates in respect of the adjudication of PAIA matters.</p> <p>The SAHRC also requested the Director General of the DOJCD to provide it with a list of all Magistrates who have received PAIA training.</p>	<p>No action has taken place.</p>	<p>2013/2014</p>
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<p>Submission of section 32 reports: Section 32 states that public bodies must submit reports to the SAHRC on an annual basis setting out generic data relating to the requests for information received and processed. PAIA does not fix a date for the final submission of Section 32 reports to the SAHRC. As a result, local governments tend to submit their reports before the close of their financial year in June each year, while other public bodies submit their reports at the end of March each year.</p>	<p>The SAHRC recommended that regulations be passed stipulating deadlines for the submission of reports to the SAHRC in terms of Section 32.</p>	<p>No action has taken place.</p>	<p>2011/2012</p>
<p>Section 23 -Records that cannot be found or do not exist. The SAHRC has received a number of complaints against public bodies that have declined access to records on the ground that the requested records do not exist. In the majority of complaints, it is alleged that public bodies fail to provide affidavits or</p>	<p>The current wording of the provision provides little guidance as to whether the action taken by public bodies is / should be deemed reasonable. The SAHRC therefore recommends that Section 23(1) be amended to define the following:</p> <ul style="list-style-type: none">- What constitutes 'reasonable steps' in respect of locating a record; and	<p>No action has taken place</p>	



<p>. This results in requesters having to wait for long periods of time to access information.</p>			
<p>Section 74: Internal Appeals: The right of internal appeal under Section 74 only applies to decisions made by public bodies as defined under part (a) of the 'public body' definition in Section 1 of PAIA. This process does not include refusals made by public bodies as defined under part (b) of Section 1 or to refusals made by private bodies. In the latter two instances, requesters are therefore left with no alternative other than to approach the courts for further relief.</p> <p>The limitation created in section 74 has created room for certain public bodies to disregard requests for information, knowing that a requester cannot appeal</p>	<p>The SAHRC recommended that Section 74 of PAIA be amended to extend the right of internal appeal to refusals for access to information made by public bodies, as defined under part (b), as well as private bodies. This will ensure that all requesters are provided with an equal opportunity for securing relief beyond initial refusal, irrespective of who they have lodged a request for information with.</p>	<p>No action has taken place.</p>	<p>2013/2014</p>



<p>a decision through internal processes and is subject to the courts, which are not accessible to requesters who do not have the financial means to approach the courts.</p>			
<p>Development of the Law: There has been significant legislative development in the field of access to information field geared towards ensuring easier and less formalistic and stringent processes to access information. The African Union Model Law on Access to Information provides guidelines on methods for making information easily available and reducing the burden on requesters.</p> <p>Noting that the PAIA framework has numerous shortfalls, aligning PAIA to the African Union Model Law on Access to Information will greatly advance the right to access information</p>	<p>The SAHRC recommended that PAIA be reviewed and that certain amendments be effected to the legislation with a view to harmonising the domestic legal framework with the provisions of the African Union Model Law on Access to Information.</p>	<p>No action has taken place.</p>	<p>2012/2013</p>



<p>affirmations stating that the record does not exist or cannot be found, alternatively, the public bodies do not provide any / sufficient information regarding the steps taken to locate the requested record or the reasons why the record does not exist.</p>	<p>What constitutes 'reasonable grounds' for believing the record does not exist.</p>		
<p>Section 83(a)(ii): In terms of Section 83(a)(ii) of PAIA, the SARHC is obliged to make recommendations to the DOJCD on the electronic disclosure of information by public and private bodies. Of concern to the SAHRC are the low levels of compliance with Sections 15 and 52 of PAIA relating to the voluntary disclosure of information of public and private bodies, respectively.</p>	<p>The SARHC recommends that a governmental open data portal be established by government to host voluntarily disclosed information in terms of section 15 of PAIA. In respect of private bodies, the SAHRC, with the support of government, should encourage the establishment of private sector open data portals with a view to promoting compliance with section 52 of PAIA</p>	<p>The development of an open data portal is in progress.</p>	<p>2014/2015</p>



National Departments

NATIONAL DEPARTMENTS	
YEAR	NUMBER OF COMPLIANT DEPARTMENTS
2002/2003	13
2003/2004	15
2004/2005	13
2005/2006	13
2006/2007	18
2007/2008	22
2008/2009	22
2009/2010	18
2010/2011	18
2011/2012	30
2012/2013	28
2013/2014	26
2014/2015	30
2015/2016	29

Only 29 of the 43 national departments submitted section 32 reports for the 2015-2016 reporting period. Section 32 reports are for the most part consistently received from the same national departments every year. The high number of requests received from national departments is due to the high figures submitted by South African Police Service (SAPS). SAPS continues to receive the highest number of requests for information as compared to the other public bodies. Furthermore, out of the total number of 27 323 number of requests that were received by SAPS, 80 percent of the requests that were lodged in terms of PAIA were granted in full.

On a closer analysis of the reports received from national departments, only a total of 7 court applications were reported to have been instituted in terms of requests that were denied. This result therefore reveals the challenges that requesters face with seeking legal recourse where they feel that their constitutional right of access to information has been infringed. The SAHRC hopes that the full operationalisation of the Information Regulator will address this problem.



<p>Section 1: Definition of 'commercial information'; The meaning of 'commercial information' is vague. Many private companies refuse requests for access to information on the basis that the requested information is commercial information and therefore constitutes a ground of refusal. However, no further explanatory notes are provided which would enable a requester to determine whether the ground is being justifiably raised.</p>	<p>The definition section must provide a clearer definition of 'commercial information' so as to promote transparency within the private sector.</p>		<p>2011/2012</p>
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ANNEXURE 1: REPORTING IN TERMS OF SECTION 84 OF PAIA (2015/2016)

Section 84 of PAIA requires the SAHRC to submit to the National Assembly an annual report setting out certain particulars which is in line with the data annually submitted by public bodies to the SAHRC in terms of Section 32(a) to (h) of PAIA:

- i. Number of requests for access received;
- ii. Number of requests for access granted in full;
- iii. Number of requests for access granted in terms of section 46 (public interest disclosure clause);
- iv. Number of requests for access refused in full and refused partially and the number of times each provision of PAIA was relied on to refuse access in full or partially;
- v. Number of cases in which the periods stipulated in section 25(2) of PAIA were extended in terms of section 26(1);
- vi. Number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof;
- vii. Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27;
- viii. Number of applications made to every court and the outcome thereof and the number of decisions of every court appealed against and the outcome thereof;
- ix. Number of applications to every court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77(7);
- x. Number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by PAIA and the nature and outcome thereof; and
- xi. Such other matters as may be prescribed.

The statistics reflected are based on the section 32 reports received from various government departments as at 1st April 2016. Since the enactment of PAIA, compliance by public bodies has been less than ideal and although there has been a slight improvement, compliance levels remain overall unsatisfactory. Local government consistently remains the least compliant level of government, while compliance at national and provincial levels has remained relatively steady.



Provincial Departments

PROVINCIAL DEPARTMENTS	
YEAR	NUMBER OF COMPLIANT DEPARTMENTS
2002/2003	26
2003/2004	8
2004/2005	4
2005/2006	11
2006/2007	14
2007/2008	13
2008/2009	33
2009/2010	22
2010/2011	56
2011/2012	63
2012/2013	69
2013/2014	56
2014/2015	90
2015/2016	86

Compliance at provincial level has decreased slightly. Certain provinces remain consistently above par in terms of the number of provincial departments within their borders which comply with section 32 of PAIA. The Western Cape, Limpopo and Northern Cape have all achieved 100 percent compliance, while the Free State has achieved 91% and Eastern Cape has also fared well, by achieving 85% compliance. Unfortunately, the North West province remains the least compliant and responsive of all provincial governments with only one department within the province submitting a section 32 report (only two departments submitted a report in the previous reporting cycle).



Municipalities

LOCAL GOVERNMENT	
YEAR	NUMBER OF COMPLIANT MUNICIPALITIES
2002/2003	3
2003/2004	4
2004/2005	6
2005/2006	8
2006/2007	11
2007/2008	48
2008/2009	33
2009/2010	25
2010/2011	20
2011/2012	69
2012/2013	37
2013/2014	25
2014/2015	51
2015/2016	48

Compliance at local government has consistently remained the lowest within government since the enactment of PAIA. Only 48 of the 278 municipalities complied with section 32 of PAIA in the 2015-2016 reporting period. On a closer analysis of the reporting at municipal level, a total of 2 359 requests were lodged with various municipalities and only 784 requests were granted in full, while only 1 request was granted in the public interest. Furthermore, 1 335 requests were refused in full but there was only 1 court application that was made in terms of PAIA.

The SAHRC has made attempts to increase compliance at local government level by engaging with South African Local Government Association (SALGA). Although the response rate did not significantly decrease in the applicable reporting period, we hope that SALGA's engagement will improve compliance at the local government level.






Chapter 9 and 10 Institutions

CHAPTER 9 & 10 INSTITUTIONS	
YEAR	NUMBER OF COMPLIANT CHAPTER 9&10 INSTITUTIONS
2002/2003	5
2003/2004	3
2004/2005	2
2005/2006	5
2006/2007	4
2007/2008	3
2008/2009	
2009/2010	4
2010/2011	1
2011/2012	3
2012/2013	4
2013/2014	4
2014/2015	3
2015/2016	4

As reported by the SAHRC on an annual basis, compliance by Chapter 9 and 10 Institutions remains low. The impact of this is worsened given the responsibilities of these institutions to support democracy and serve as good models for legislative compliance. The Commission continues to call upon the Office of Institutions Supporting Democracy to take steps to engage with these institutions regarding these dismal figures. In the same way that Chapter 9 and 10 institutions are mandated to hold others to account for breaching various constitutional principles, they too are expected to uphold their legal obligations. For example, the Public Protector has never reported to the SAHRC on complaints received by the body as statutorily required, and often fails to submit its own institutional compliance report.

COLOUR KEY

	HAS COMPLIED WITH SECTION 32
	HAS NOT COMPLIED WITH SECTION 32
	HAS COMPLIED WITH SECTION 32 BUT SUBMITTED LATE



Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Other information relating to implementation
The Presidency	12	4	0	5	0	5	5	1	0	0	0	
Department of Planning Monitoring and Evaluation	3	1	0	0	0	0	0	0	0	0	0	
Parliament of the Republic of South Africa												
Department of International Relations and Cooperation	18	7	0	5	2	7	6	1	0	0		



Department of Communications												
Department of Trade and Industry	78	20	0	3	42	41	2	2	2	2	0	
Department of Justice & Constitutional Development	228	83	0	7	2	9	28	1	1	0	0	
Public Administration Leadership and Management Academy/ National School of Government	3	0	0	1	2	3	0	0	0	0	0	
Department of Economic Development												
Department of Science and Technology	1	0	1	0	1	1	1	0	1	0	1	
Department of Defence	46	26	0	0	5	5	43	4	2	2	0	
Department of Energy	71	9	0	9	40	49	33	8	2	0	0	
Department of Mineral Resources	458	421	0	4	26	30	117	3	1	0	0	



Department of Cooperative Governance	7	3	0	0	0	0	3	1	0	0	0	
Department of Correctional Services	180	99	1	6	9	3	23	3	1	3	0	
Department of Environmental Affairs	53	33	0	3	6	9	17	1	0	0	0	
Department of Agriculture, Forestry and Fisheries	565	536	0	4	2	6	10	0	0	1	0	
Department of Basic Education												
Department of Social Development												
National Treasury	19	8	0	6	2	1	2	1	1	0	0	
South African Police Services	27 322	21877	1387	353	162	515	3855	157	1	149	0	
Department of Rural Development and Land Reform	11	2	0	4	0	4	3	1	0	1	0	



Department of Public Service and Administration	4	4	0	0	0	0	1	0	0	0	0	
Department of Labour												
Department of Health	63	10	0	0	0	0	0	0	0	0	0	
Department of Human Settlements	21	1	0	0	0	0	0	0	0	0	0	
Department of Government Communications and Information Systems	1	1	0	0	0	0	0	0	0	0	0	
Department of Tourism												
Department of Roads Transport												
Department of Arts and Culture												
Department of Military Veterans												
Civilian Secretariat of Police												



Department of Public Works												
Department of State Security												
Department of Traditional Affairs	2	2	0	0	0	0	2	0	0	0	0	
Department Sports and Recreation South Africa	5	3	0	2	0	2	2	2	1	0	2	
Statistics South Africa												
Department of Women	0	0	0	0	0	0	0	0	0	0	0	
Department of Home Affairs	508	171	0	128	209	0	0	52	0	52	0	
Department of Public Enterprises	2	0	0	0	0	0	2	0	0	0	0	
Department of Water Affairs	47	18	0	0	2	3	14	4	3	3	3	
Department of Higher Education and Training	8	8	0	0	0	0	0	0	0	0	1	



Department of Small Business Development	2	1	0	0	0	0	1	0	0	0	0	
Department of Telecommunications and Postal Services	7	2	0	0	0	0	4	1	1	0	0	
TOTAL	29745	23218	1389	536	512	693	4172	243	16	213	7	

Provincial Departments

Eastern Cape
Free State

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Other information relating to implementation
EASTERN CAPE												
Office of the Premier	5	3	0	1	1	1	0	1	1	1	1	



Provincial Treasury	1	0	0	0	0	0	0	0	0	0	0	
Department of Safety and Liaison	0	0	0	0	0	0	0	0	0	0	0	
Department of Health	1456	1066	1	4	0	1	1057	376	680	376	377	
Department of Local Government and Traditional Affairs												
Department of Transport	4	3	0	1	1	0	0	0	0	0	2	
Department of Roads and Public Works	2	1	0	1	0	0	0	1	0	0	0	
Department of Human Settlements	15	4	0	0	0	0	0	0	0	0	0	
Department of Social Development	1	0	0	1	0	1	0	1	0	0	0	
Department of Sport, Recreation, Arts and Culture	2	1	0	0	0	0	0	0	0	0	0	



Department of Economic Development, Environmental Affairs and Tourism	2	2	0	0	0	0	0	0	0	0	0	
Department of Rural Development and Agrarian Reform	3	0	0	0	0	0	0	0	0	0	0	
Department of Education	89	16	0	3	0	3	11	1	0	23	18	
Department of Finance												
Total	1582	1100	1	11	2	8	1070	379	681	400		



FREE STATE

	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Other information relating to implementation
FREE STATE												
Office of the Premier	36	35	0	1	0	1	0	0	0	0	0	
Department of Sports, Arts and Culture and Recreation	3	0	0	0	0	0	0	0	1	0	0	
Department of Cooperative Governance, Traditional Affairs and Human Settlements	0	0	0	0	0	0	0	0	0	0	0	



Department of Education	0	0	0	0	0	0	0	0	0	0		
Department of Police, Roads and Transport	0	0	0	0	0	0	0	0	0	0	0	
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture and Rural Development												
Department of Small Business Development, Tourism and Environmental Affairs	6	4	0	2	0	2	1	0	0	0	0	
Department of Public Works	0	0	0	0	0	0	0	0	0	0	0	
Department of Health	41	18	0	1	10	1	7	1	3	0	0	
Provincial Treasury	2	2	0	0	0	0	0	0	0	0	0	
Total	88	58	0	4	10	4	8	1	4	0	0	



Gauteng

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Number of requests and internal appeals lodged by women	Other information relating to implementation
GAUTENG													
Office of the Premier													
Department of Agriculture and Rural Development	136	66	0	30	40	2	69	2	0	0	0		
Department of Economic Development	1	0	0	0	0	0	0	0	0	0	0	0	
Department of Social Development	3	3	0	0	0	0	1	1	0	0	0	0	



Department of Health														
Department of Finance	1	1	0	0	0	0	0	0	0	0	0	0	0	
Department of Community Safety														
Provincial Treasury														
Department of Education	18	11	1	1	3	5	0	0	0	0	0	0	0	
Department of Roads and Transport														
Department of Sports, Culture and Recreation	0	0	0	0	0	0	0	0	0	0	0	0	0	
Department of Human Settlements, Co-operative Governance and Traditional Affairs	2	2	0	0	0	0	0	0	0	0	0	0	0	
Department of Infrastructure Developments														
TOTAL	161	182	1	31	3	5	70	3	0					



Kwazulu-Natal

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
KWAZULU NATAL												
Office of the Premier	0	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury	0	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture and Rural Development	6	4	0	0	2	1	4	0	0	0	0	
Department of Transport	1168	1168	0	0	0	0	0	0	0	0	0	
Department of Social Development	7	3	0	2	0	0	2	0	0	0	0	



Department of Health	5906	5241	498	92	68	1	650	15	23	22	0	
Department of Community Safety and Liaison												
Department of Sports and Recreation	0	0	0	0	0	0	0	0	0	0	0	
Department of Human Settlements												
Department of Public Works	4	0	0	0	0	0	2	0	0	0	0	
Department of Economic Development, Tourism and Environmental Affairs	6	3	0	0	0	0	1	0	0	0	0	The Department is still considering whether or not to grant access for the other three PAIA requests.
Department of Arts and Culture	0	0	0	0	0	0	0	0	0	0	0	



Department of Co-operative Governance and Traditional Affairs	9	5	0	0	0	2	0	0	0	0	0	
Department of Education	7	4	3	2	1	1	4	2	2	2	1	
TOTAL	7113	6428	501	96	71	5	663	17	25	24	1	



Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
LIMPOPO												
Office of the Premier	6	6	0	0	0	0	0	0	0	0	0	
Department of Cooperative Governance, Human Settlement and Traditional Affairs	27	15	0	0	1	0	2	0	0	0	0	
Department of Agriculture and Rural Development	8	5	0	0	3	3	0	0	0	0	0	



Department of Social Development	2	2	0	0	0	0	0	0	0	0	0	
Department of Health	1149	1147	0	1	1	0	2	2	0	0	0	
Department of Economic Development, Environment and Tourism	21	13	0	0	2	2	2	0	0	0	0	
Department of Public Works, Roads and Infrastructure	6	6	0	0	0	0	0	0	0	0	0	
Department of Safety Security and Liaison	0	0	0	0	0	0	0	0	0	0	0	
Department of Sports, Arts and Culture	3	3	0	0	0	0	0	0	0	0	0	
Department of Education	8	5	0	0	0	0	0	0	0	0	0	3 requests are still pending.
Provincial Treasury	8	8	0	0	0	0	0	0	0	0	0	
Department of Transport	40	22	0	0	15	15	6	0	0	0	0	-
TOTAL	1278	1232	0	1	22	20	12	2	0	0	0	



MPUMALANGA

Northern Cape

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
MPUMALANGA												
Office of the Premier	2	1	0	0	0	0	0	0	0	0	0	One request was transferred to another public body in terms of Section 20 (1) of PAIA.
Provincial Treasury	1	0	0	0	0	0	0	0	0	0	0	The request was transferred to another public body in terms of Section 20 (1) of PAIA.



Department of Cooperative Governance and Traditional Affairs	6	5	0	0	0	0	0	0	0	0	0	One PAIA request was abandoned on the basis that the requester could not be reached.
Department of Finance												
Department of Culture, Sport and Recreation												
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
Department of Education												
Department of Health												
Department of Human Settlements												
Department of Agriculture, Rural Development and Land Administration												-



Department of Community Safety, Security and Liaison												
Department of Economic Development and Tourism												
Department of Public Works, Roads and Transport	2	1	0	0	0	0	0	0	0	0		One request was transferred to another public body in terms of Section 20 (1) of PAIA
TOTAL	11	7	0	0	0	0	0	0	0	0		



Northern Cape

Provincial Government	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
NORTHERN CAPE												
Office of the Premier	4	3	0	0	0	0	1	0	0	0	0	
Department of Co-operative Government Human Settlement and Traditional Affairs	3	0	0	0	2	0	0	0	0	0	0	



Department of Agriculture, Land Reform and Rural Development	1	0	0	1	0	1	0	0	0	0	0	
Department of Education	1	1	0	0	0	0	0	0	0	0	0	
Department of Environment and Nature Conservation	0	0	0	0	0	0	0	0	0	0	0	
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury	0	0	0	0	0	0	0	0	0	0	0	
Department of Sports, Arts and Culture	0	0	0	0	0	0	0	0	0	0	0	
Department of Roads and Public Works	8	2	0	2	0	2	2	0	0	0	0	
Department of Economic Development and Tourism.	0	0	0	0	0	0	0	0	0	0	0	
Department of Health	75	14	0	35	0	4	35	15	13	14	4	



Department of Transport, Safety and Liaison	271	270	0	0	1	1	0	1	1	0	0	
TOTAL	363	290	0	38	3	8	38	16	14	14	4	

North West

North West Provincial Government	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
NORTH WEST												
Office of the Premier												
Department of Public Works, Roads and Transport.												



Department of Finance													
Department of Sports, Arts and Culture													
Department of Human Settlements, Public Safety and Liaison													
Department of Women, Children and People with Disabilities.													
Department of Rural Environment and Agricultural Development													
Department of Education													
Department of Local Government and Traditional Affairs													
Department of Health													



Department of Social Development	6	0	0	6	0	0	0	0	0	2	0	
TOTAL	6	0	0	6	0	0	0	0	0	2	0	

Western Cape

North West Provincial Government	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
NORTH WEST												
Office of the Premier	131	131	0	0	7	7	2	0	0	0	0	
Provincial Parliament	1	1	0	0	0	0	0	0	0	0	0	
Department of Economic Development and Tourism	0	0	0	0	0	0	0	0	0	0	0	



Department of Environmental Affairs and Development Planning	119	87	0	0	0	3	38	1	0	0	0	
Department of Health	151	99	0	42	0	0	16	3	1	3	0	
Department of Human Settlements	17	13	0	3	1	0	2	0	0	1	0	
Department of Local Government	0	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury	1	1	0	0	0	0	0	0	0	0	0	
Department of Agriculture	1	1	0	0	0	0	0	0	0	0	0	
Department of Transport and Public Works	21	15	0	0	0	0	13	0	0	0	0	
Department of Education	18	7	0	4	4	0	0	2	0	0	0	
Department of Cultural Affairs and Sport	40	40	0	0	0	0	0	0	0	0	0	
Department of Community Safety	1	0	1	0	0	0	0	0	0	0	0	
Department of Social Development	9	8	0	1	0	0	0	0	0	0	0	
TOTAL	511	402	1	50	12	10	71	6	1	4	0	



Non-compliant Municipalities

Municipalities

LOCAL Government	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
EASTERN CAPE												
GAUTENG												
Mogale City	13	8	0	4	0	0	0	1	0	0	0	
City of Johannesburg	122	46	0	4	1	1	4	3	1	1	0	
City of Tshwane	23	14	0	1	0	1	3	0	0	0	0	
Emfuleni Local Municipality	9	7	0	0	0	0	1	0	2	2	0	



West Rand District Municipality	0	0	0	0	0	0	0	0	0	0	0	
Ekurhuleni Municipality	54	25	0	0	7	7	5	2	0	2	0	9 Requests are pending.8 Requests were abandoned on the basis of non payment of request/ access fees.
FREE STATE												
Setsotho Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
KWAZULU- NATAL												
Ethekwini Municipality	55	37	0	6	4	8	21	3	2	0	0	
Umsinga Municipality	0	0	0	0	0	0	0	0	0	0	0	
Big 5 False Bay Municipality	1	1	0	0	0	0	0	0	0	0	0	
uMhlatuze Municipality	22	20	0	0	1	0	0	1	0	0	0	
Mandeni Municipality												
Okhahlamba Municipality	3	3	0	0	0	0	0	0	0	0	0	
Emnambithi /LadySmith Municipality	5	5	0	0	0	0	0	0	0	0	0	



uMzimkhulu Municipality	0	0	0	0	0	0	0	0	0	0	0	0
Northern Cape												
Frances Baard District Municipality	0	0	0	0	0	0	0	0	0	0	0	0
NORTH WEST												
MPUMALANGA												
Umjindi Municipality	4	3	0	1	0	1	0	0	0	0	0	0
Govan Mbeki Municipality	4	4	0	0	0	0	0	0	0	0	0	0
Gert Sibande District Municipality												
Mbombela Local Municipality	0	0	0	0	0	0	0	0	0	0	0	0
LIMPOPO												
Capricorn District Municipality	1	0	0	0	1	0	0	0	0	0	0	0
Polokwane Local Municipality	7	2	0	4	1	0	0	0	0	0	0	0



Ugu District Municipality	4	4	0	0	0	0	0	0	0	0	0	
Kwadukuza Municipality	12	12	0	0	0	0	0	0	0	0	0	
Umtshezi Municipality	0	0	0	0	0	0	0	0	0	0	0	
uMshwathi Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
Nkandla Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
Msunduzi Local Municipality	3	3	0	0	0	0	0	0	0	0	0	
Ezinqoleni Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
uMfolozi Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
Dannhauser Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
Nongoma Local Municipality	0	0	0	0	0	0	0	0	0	0	0	
New Castle Local Municipality	8	6	0	0	2	2	0	0	0	0	0	



WESTERN CAPE													
Theewaterskloof Local Municipality	8	7	0	1	0	1	0	0	0	0	0		
Cape Winelands Municipality	1	1	0	0	0	0	0	0	0	0	0		
City of Cape Town	1883	488	0	1288	39	175	30	3	1	5	1	Other requests received: Abandoned: 21 Other requests: 12 Pending requests: 16 Withdrawals: 8 Transferred: 11	
Drakenstein Municipality	11	7	0	1	2	3	2	1	1	0	0		
Laingsburg Local Municipality													
Overberg District Municipality	0	0	0	0	0	0	0	0	0	0	0		
George Municipality													
Swellendam Municipality	0	0	0	0	0	0	0	0	0	0	0		



West Coast District Municipality	25	24	0	0	0	1	1	1	0	0	0	
Central Karoo District Municipality												
Stellenbosch Municipality												
Cederberg Municipality	0	0	0	0	0	0	0	0	0	0	0	
Swartland Municipality	0	0	0	0	0	0	0	0	0	0	0	
Mossel Bay Municipality	18	7	0	2	6	8	2	0	0	0	0	
Overstrand Local Municipality	35	10	1	23	1	24	0	1	1	0	0	
Knysna Municipality	25	25	0	0	0	0	0	3	3	0	0	
Hessequa Municipality	3	3	0	0	0	0	0	0	0	0	0	
TOTAL	2359	784	1	1335	65	232	69	19	11	10	1	



Chapter 9 and 10 Institutions

Chapter 9 and 10 Institutions	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
The Office of the Public Protector												
The South African Human Rights Commission	2	1	0	0	1	0	0	0	0	0	0	
The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities												



The Auditor General of South Africa	6	0	0	2	2	3	0	0	0	1	0	
The Commission for Gender Equality												
The Electoral Commission												
Independent Communications Authority of South Africa												
Public Service Commission	4	2	2	-	-	-	-	-	-	-	-	
Financial and Fiscal Commission												
TOTAL	12	3	2	2	2	3	0	0	0	1	0	



Other Public Bodies

OTHER BODIES	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
Council for Medical Schemes	23	21	0	1	1	2	0	2	0	0	0	
Road Accident Fund	2710	2487	0	211	0	267	376	0	0	0	0	
South African National Biodiversity Institute	0	0	0	0	0	0	0	0	0	0	0	
ESKOM	50	8	0	7	16	0	23	4	2	0	0	
South African Social Security Agency	2569	2554	0	0	0	3	0	11	1	0	0	



Development Bank of South Africa	0	0	0	0	0	0	0	0	0	0	0	
Ithala Development Finance Corporation	1	0	0	0	0	0	0	0	0	0	0	1 PAIA request still pending.
South African Reserve Bank	10	0	0	4	0	4	3	0	0	0	0	6 Requests are still pending.
Broadband Infracore SOC Limited	0	0	0	0	0	0	0	0	0	0	0	
Gauteng Enterprise Propeller (GEP)	0	0	0	0	0	0	0	0	0	0	0	
Legal Aid South Africa	2	2	0	0	0	0	0	0	0	0	0	
KZN Growth Fund Trust	0	0	0	0	0	0	0	0	0	0	0	
North West University	214	181	0	22	3	22	0	1	1	0	0	
Rhodes University	0	0	0	0	0	0	0	0	0	0	0	
University of KwaZulu-Natal	3	3	0	0	0	0	3	0	0	0	0	



University of the Witwatersrand	2	1	0	0	0	0	1	0	0	0	0	
University of Cape Town	4	1	0	1	1	1	0	0	0	0	0	
Durban University of Technology	1	1	0	0	0	0	0	0	0	0	0	
University of Limpopo	0	0	0	0	0	3	0	11	1	0	0	
Central University of Technology	1	0	0	0	0	1	1	1	0	0	0	
University of Free State	2	1	0	1	0	1	0	0	0	0	0	
Stellenbosch University	7	4	0	2	1	3	1	0	0	0	0	
ALEXKOR SOC LIMITED	0	0	0	0	0	0	0	0	0	0	0	
The Land and Agricultural Development Bank of South Africa	21	16	0	3	0	3	0	0	0	0	0	
South African Qualifications Authority	0	0	0	0	0	0	0	0	0	0	0	



South African Revenue Services	45	5	0	11	7	18	7	2	0	0	0	
Dube TradePort Corporation (DTC)	0	0	0	0	0	0	0	0	0	0	0	
Free State Development Corporation	0	0	0	0	0	0	0	0	0	0	0	
Small Enterprise Finance Agency (SEFA)	0	0	0	0	0	0	0	0	0	0	0	
Transnet	11	8	0	3	3	0	0	0	0	0	0	
Industrial Development Corporation of South Africa Limited	2	-	0	1	1	2	1	0	0	0	0	1 Request still pending.
South African Library for the Blind (SALB)	0	0	0	0	0	0	0	0	0	0	0	
National Housing Finance Corporation	0	0	0	0	0	0	0	0	0	0	0	



The Competition Tribunal	0	0	0	0	0	0	0	0	0	0	0	
Railway Safety Regulator	2	1	0	0	0	0	1	0	0	0	0	
Commission for Conciliation, Mediation and Arbitration (CCMA)	2	1	0	1	0	0	2	0	0	0	0	
Competition Commission of South Africa	1	0	0	1	0	0	0	0	0	0	1	
The Brand South Africa Trust	0	0	0	0	0	0	0	0	0	0	0	
South African National Accreditation System	0	0	0	0	0	0	0	0	0	0	0	
SARIA SOC LIMITED	1	0	0	0	0	0	0	1	0	0	0	1 Request still pending.
Accounting Standards Board	0	0	0	0	0	0	0	0	0	0	0	
Estate Agency Affairs Board (EAAB)	0	0	0	0	0	0	0	0	0	0	0	



Trans-Caledon Tunnel Authority	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	5620	5279	0	259	31	327	398	16	2	0	0	

ANNEXURE II: REPORTING IN TERMS OF SECTION 84 OF PAIA (2015/2016)

National Departments

NATIONAL DEPARTMENTS	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
The Presidency	14	4	0	2	1	3	1	0	0	0	0	The Presidency has not experienced any difficulties implementing PAIA
Department of Planning Monitoring and Evaluation*	3	1	0	0	1	0	0	1	0	0	0	



Parliament of the Republic of South Africa	4	4	0	0	0	0	0	0	0	0	0	
Department of International Relations and Cooperation	18	7	0	5	2	7	6	1	0	0		
Department of Communications												
Department of Trade and Industry	51	9	0	10	26	31	6	1	1	1	0	
Department of Justice & Constitutional Development	236	70	0	13	4	17	52	3	0	0	0	
Public Administration Leadership and Management Academy/ National School of Government	1	0	0	0	1	1	1	0	0	0	0	
Department of Economic Development												
Department of Science and Technology												



Department of Defence													
Department of Energy	37	9	0	1	16	17	19	3	1	0	0		
Department of Mineral Resources													
Department of Cooperative Governance	2	0	0	0	0	0	0	0	0	0	0		
Department of Correctional Services	177	77	0	12	7	5	1	2	0	0	0		
Department of Environmental Affairs	50	24	2	7	0	1	5	1	0	0	0		
Department of Agriculture, Forestry and Fisheries	99	65	0	16	3	19	13	9	9	1	4		
Department of Basic Education													
Department of* Social Development	647	645	0	0	0	0	1	1	0	0	0		2 PAIA requests still pending. 1 request transferred to SASSA 24 duplicates requests from an attorney received



National Treasury	29	11	0	4	1	8	5	13	4	1	0	
South African Police Services	20 440	27 289	824	468	123	591	1814	459	30	457	317	Afriforum case still pending. Amabungane case still pending 315 court applications in the Eastern Cape
Department of Rural Development and Land Reform												
Department of Public Service and Administration	2	0	0	0	0	0	1	0	0	0	0	
Department of Labour												
Department of Health	29	9	0	0	1	0	1	0	0	0	0	
Department of Human Settlements	5	2	0	0	0	0	0	0	0	0	0	
Department of Government Communications and Information Systems	2	0	0	1	0	0	0	0	0	0	0	



Department of Tourism	0	0	0	0	0	0	0	0	0	0	0	
Department of Roads Transport	10	5	0	1	0	1	3	0	0	0	0	
Department of Arts and Culture												
Department of Military Veterans	3	1	0	0	0	0	2	0	0	0	0	
Civilian Secretariat of Police												
Department of Public Works	30	18	0	0	1	1	2	0	0	0	0	
Department of State Security												
Department of Traditional Affairs	0	0	0	0	0	0	0	0	0	0	0	
Department Sports and Recreation South Africa												
Statistics South Africa												
Department of Women	2	0	0	0	2	2	0	0	0	0	0	



Department of Home Affairs												
Department of Public Enterprises*												
Parliament	4	4	0	0	0	0	0	0	0	0	0	
Department of Water Affairs												
Department of Higher Education and Training	7	7	0	0	0	0	1	0	0	0	0	
Department of Small Business Development	0	0	0	0	0	0	0	0	0	0	0	
Department of Infrastructure Development *	5	4	0	1	0	1	1	0	0	0	0	
Department of Telecommunications and Postal Services	2	0	0	0	1	1	0	1	0	0	0	



PROVINCIAL DEPARTMENTS

Eastern Cape

PROVINCIAL DEPARTMENTS	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
EASTERN CAPE												
Office of the Premier	4	4	0	0	0	0	0	0	0	0	0	
Provincial Treasury												
Department of Safety and Liaison	3	3	0	0	1	1	1	0	0	0	0	
Department of Health	75	21	0	3	2	5	17	8	3	27	21	



Department of Local Government and Traditional Affairs												
Department of Transport	4	2	0	2	0	0	0	0	0	0	0	
Department of Roads and Public Works	4	2	0	2	0	0	0	0	0	0	0	
Department of Human Settlements												
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
Department of Sport, Recreation, Arts and Culture	1	1	0	0	0	0	0	0	0	0	0	
Department of Economic Development, Environmental Affairs and Tourism	12	0	0	0	0	3	1	1	0	0	0	
Department of Rural Development and Agrarian Reform	3	3	0	0	1	1	1	0	0	0	0	



Department of Education	75	21	0	3	2	5	17	8	3	21	21	
Department of Finance												
Department of Cooperative government and Traditional Affairs	8	7	0	1	0	0	0	0	0	0	0	



Free State

	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
FREE STATE												
Office of the Premier	35	33	0	0	0	0	0	0	0	0	0	
Department of Sports, Arts and Culture and Recreation	0	0	0	0	0	0	0	0	0	0	0	
Department of Cooperative Governance, Traditional Affairs and Human Settlements	2	2	0	0	0	0	0	0	0	0	0	



Department of Education	2	2	0	0	0	0	0	0	0	0	0	0	
Department of Police, Roads and Transport	1	1	0	0	0	0	0	0	0	0	0	0	
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture and Rural Development													
Department of Small Business Development, Tourism and Environmental Affairs	11	11	0	0	0	0	0	1	0	0	0	0	
Department of Public Works													
Department of Health	51	41	0	1	4	0	0	0	0	0	0	0	
Provincial Treasury	16	15	0	0	1	1	1	0	0	0	0	0	



Gauteng

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Number of requests and internal appeals lodged by women	Other information relating to implementation
GAUTENG													
Office of the Premier													
Department of Agriculture and Rural Development	628	119	0	505	4	505	596	0	0	0	0	0	The Department experienced a fire disaster in 2003. It is therefore difficult to provide information where such information has been destroyed in the fire.



Department of Economic Development	9	3	0	4	2	6	2	0	0	0	0	0	
Department of Social Development													
Department of Health													
Department of Finance													
Department of Community Safety	0	0	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury													
Department of Education													
Department of Roads and Transport													
Department of Sports, Culture and Recreation	0	0	0	0	0	0	0	0	0	0	0	0	
Department of Human Settlements, Co-operative Governance and Traditional Affairs													



Department of Infrastructure Developments													
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Kwazulu Natal

PROVINCIAL DEPARTMENTS	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
Kwazulu Natal												
Office of the Premier	3	1	0	1	0	0	0	0	0	0	0	
Provincial Treasury	3	3	0	0	0	0	0	0	0	0	0	
Department of Agriculture and Rural Development	7	2	0	0	0	2	3	0	0	0	0	



Department of Transport	1164	1162	1	1	0	0	0	0	0	0	0	
Department of Social Development												
Department of Health	10423	7433	976	126	26	39	842	0	0	12	0	
Department of Community Safety and Liaison	2	1	0	1	0	0	0	0	0	0	0	
Department of Sports and Recreation												
Department of Human Settlements												
Department of Public Works	1	0	0	0	1	1	1	0	0	0	0	
Department of Economic Development, Tourism and Environmental Affairs												
Department of Arts and Culture	0	0	0	0	0	0	0	0	0	0	0	



Department of Co-operative Governance and Traditional Affairs	9	6	0	0	1	1	0	0	0	0	0	
Department of Education	3	1	0	0	0	0	0	1	0	0	0	

Limpopo

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Number of requests and internal appeals lodged by women	Other information relating to implementation
LIMPOPO													
Office of the Premier	9	9	0	0	0	0	0	0	0	0	0	0	



Department of Cooperative Governance, Human Settlement and Traditional Affairs	53	43	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture	12	3	0	5	4	9	3	3	2	3	0	0	
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	0	
Department of Health	1055	1054	0	1	0	1	1	1	0	1	1	0	
Department of Economic Development, Environment and Tourism	25	17	0	6	2	8	7	0	0	0	0	0	
Department of Public works, Roads and Infrastructure	1	0	0	0	0	0	0	0	0	0	0	0	
Department of Safety Security and Liaison	2	2	0	0	0	0	0	0	0	0	0	0	
Department of Sports, Arts and Culture	0	0	0	0	0	0	0	0	0	0	0	0	



Department of Education	23	6	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury	6	6	0	0	0	0	0	0	0	0	0	0	
Department of Transport	3	0	0	0	0	0	0	0	0	0	0		

Mpumalanga

Provincial Department	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3)	Number of requests and internal appeals lodged by women	Other information relating to implementation
MPUMALANGA													
Office of the Premier	2	0	0	1	0	1	0	0	0	0	0	0	



Department of Economic Development and Tourism.													
Department of Public Works, Roads and Transport													

Northern Cape

PROVINCIAL GOVERNMENT	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
NORTHERN CAPE												
Office of the Premier	1	0	0	0	1	0	0	0	0	0	0	



Department of Co-operative Governance, Human Settlements and Traditional Affairs	0	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture, Land Reform and Rural Development	0	0	0	0	0	0	0	0	0	0	0	
Department of Education	3	3	0	0	0	0	0	0	0	0	0	
Department of Environment and Nature Conservation	4	3	0	0	0	0	1	0	0	0	0	
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
Provincial Treasury	0	0	0	0	0	0	0	0	0	0	0	
Department of Sports, Arts and Culture	0	0	0	0	0	0	0	0	0	0	0	
Department of Roads and Public Works	11	7	0	1	0	1	1	0	0	0	0	



Department of Economic Development and Tourism.	0	0	0	0	0	0	0	0	0	0	0	
Department of Health	40	35	0	0	0	0	55	18	14	45	0	
Department of Transport, Safety and Liaison	11	7	1	0	1	1	0	0	0	0	0	

NORTH WEST

PROVINCIAL GOVERNMENT	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
NORTH WEST												
Office of the Premier												



Department of Social Development	0	0	0	0	0	0	0	0	0	0	0	
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Western Cape

PROVINCIAL GOVERNMENT	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
WESTERN CAPE												
Office of the Premier	91	80	0	0	5	5	0	0	0	0	0	
Provincial Parliament												
Department of Economic Development and Tourism	1	1	0	0	0	0	0	0	0	0	0	



Department of Environmental Affairs and Planning	91	56	56	0	0	1	29	1	0	0	0	
Department of Health	185	114	0	1	0	0	0	10	25	17	17	
Department of Human Settlements	16	9	0	1	1	3	0	0	0	0	0	
Provincial Treasury	0	0	0	0	0	0	0	0	0	0	0	
Department of Agriculture	0	0	0	0	0	0	0	0	0	0	0	
Department of Transport and Public Works	25	20	0	1	0	1	1	0	0	0	0	
Department of Education	9	4	0	0	2	2	0	2	1	1	0	
Department of Cultural Affairs and Sport	29	26	0	0	0	0	0	0	0	0	0	
Department of Community Safety												
Department of Social Development	10	9	0	1	0	1	1	0	0	0	0	



MUNICIPALITIES

LOCAL GOVERNMENT	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
EASTERN CAPE												
Buffalo City Metropolitan Municipality												
Nelson Mandela Metropolitan Municipality												
Joe Qabi District Municipality												
GAUTENG												
Ekurhuleni Metropolitan Municipality												



City of Johannesburg												
City of Tshwane												
FREE STATE												
Setsoto Local Municipality												
KWAZULU-NATAL												
Umsunduzi Municipality												
Ethekwini Municipality												
Aba Qulisi Municipality												
New Castle Municipality												
Nongoma Local Municipality												
uMhlathuze Municipality												
Umfolazi Municipality												
Ugu District Municipality												



Dannhauser Local Municipality												
NORTHERN CAPE												
Kareenberg Local Municipality												
NORTH WEST												
Madibeng Local Municipality												
MPUMALANGA												
Govan Mbeki Municipality												
LIMPOPO												
Capricorn District Municipality												
Polokwane City Municipality												
WESTERN CAPE												
Cederberg Municipality												
Theewaterskloof Local Municipality												



Cape Winelands Municipality												
City of Cape Town												
Overberg District Municipality												
West Coast District Municipality												
Oudtshoorn Local Municipality												
Swartland Municipality												
Theewaterkloof Local Municipality												
Overstrand Local Municipality												



Other Public Bodies

OTHER BODIES	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
SASRIA SOC Limited	1	1	0	0	0	0	0	0	0	0	0	
Road Accident Fund	4808	4214	0	592	0	592	176	0	0	0	0	
Air Traffic and Navigation Services SOC	0	0	0	0	0	0	0	0	0	0	0	
South African National Biodiversity Institute	2	1	0	7	0	0	0	0	0	0	0	
TELKOM	10	4	0	5	0	5	0	1	0	0	1	
South African Social Security Agency	2955	2898	0	1	1	0	59	3	0	0	0	



Government Pensions Administration Agency	38	32	0	0	0	0	0	3	0	5	5	
Ithala Development Finance Corporation	0	0	0	0	0	0	0	0	0	0	0	0
Development Bank of South Africa	1	1	0	0	0	0	0	0	0	0	0	0
South African National PARKS	0	0	0	0	0	0	0	0	0	0	0	0
National Nuclear Regulator	1	1	0	1	1	0	0	0	0	0	0	0
National Energy Regulator of South Africa	5	4	0	1	1	0	0	0	0	0	0	0
Dube Tradeport Corporation	0	0	0	0	0	0	0	0	0	0	0	0
North West University	143	129	0	9	0	9	2	0	0	0	0	0
University of the Witwatersrand	2	1	0	0	0	0	0	0	0	0	0	0



Central University of Technology of Free State	4	4	0	0	0	0	0	2	0	0	0	0
University of Free State	5	4	0	0	0	0	0	0	0	0	0	0
University of Cape Town	4	2	0	0	0	0	0	0	0	0	0	0
University of Stellenbosch	4	2	0	0	0	0	0	0	0	0	0	0
South African Revenue Services	35	10	0	7	3	10	3	9	0	4	2	
National Credit regulator	0	0	0	0	0	0	0	0	0	0	0	
South African Reserve Bank	7	1	0	2	2	4	0	0	0	0	0	
Transnet	22	8	0	4	11	1	0	0	0	0	0	
Commission for Conciliation Mediation and Arbitration	2	1	0	0	1	2	1	0	0	0	0	
Gauteng E-Government	3	3	0	0	1	1	0	0	0	0	0	
Legal Aid South Africa	3	0	0	2	0	1	1	0	0	0	0	
Public Service Commission	0	0	0	0	0	0	0	0	0	0	0	



Chapter 9 and 10 Institutions

Chapter 9 and 10 Institutions	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of requests refused in full	Number of requests refused partially	Number of times provisions of the Act were relied on to refuse access in full or partially	Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	Number of internal appeals lodged with the relevant authority	Number of requests granted as a result of the internal appeal	Number of internal appeals lodged on account of a deemed refusal	Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	Other information relating to implementation
The Office of the Public Protector	6	1	0	2	3	5	4	0	0	0	0	
The South African Human Rights Commission	2	1	0	0	0	0	0	0	0	0	0	
The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities												



The Auditor General of South Africa	6	2	0	2	0	2	3	0	0	0	3	
The Commission for Gender Equality												
The Electoral Commission												
Independent Communications Authority of South Africa												
Public Service Commission	2	1	0	0	0	0	0	0	0	0	0	
Financial and Fiscal Commission												



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