

Promotion of Access to Information Act- (PAIA)

Section 51 of PAIA

All the public and private bodies are required in terms of sections 14 and 51 of the Promotion of Access to Information Act (PAIA) to compile manuals on how to access their records.

In terms of sec.51 of PAIA, the head of a private body must:

1. compile a manual as required by section 51,
2. submit the manual to the South African Human Rights Commission (SAHRC),
3. update the any material changes on the manual on a regular basis;
4. make the manual available as prescribed by the Act at the company offices and on their website (if available) (in at least three languages);
5. must annex a request form to the manual and also make a request form available on the website and at the company premises and access points. The head of the private body may also publish the manual in the Government Gazette.

The manuals must contain the following information:

- postal and street address, phone and fax number and if available the e-mail address of the head of the private body
- the description of the guide compiled by the Organisation and how to access it;
- the latest notice regarding the categories of records of the body which are available without a person having to request access in terms of PAIA;
- a description of the records which the private body keeps in compliance with any other Acts;
- enough information to assist you in making a request for access to a record held by a private body;
- a description of the subjects on which the private body holds records, and the categories of records held on each subject;
- state who the head of the company is (CEO is usually the Information Officer in terms of PAIA);
- stipulate the fees applicable as legislated by the Act which are chargeable to requesters;
- remedies available to requesters if their request for information has been refused;
- details facilitating request for access to a record etc.

Conclusion

Therefore all private bodies and public bodies have to review their submitted PAIA manuals and update where necessary. Certain private bodies, which were exempted, must now also submit their manuals by 31 December 2015. Further to you submitting an e-mail copy to the SAHRC you must also submit a hard copy of your manual signed by your Information Officer and publish the manual on the company's website.

The Promotion of Access to Information Act ("PAIA"), No 2 of 2000 gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

PAIA gives the requester a right to lodge a request from the information officer of a public or private body.