



Promotion of Access to Information Act (PAIA)

Annual Report 2017/18





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FOREWORD

The passage of the Promotion of Access to Information Act 2 of 2000 (PAIA) constitutes a crucial tool for the realisation of the constitutional objectives of transparency and open government. 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, the 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, 248 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 promotion, monitoring and protection mandates 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

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.

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

CC	Coordinating Committee
DIO	Deputy Information Officer
DG	Director General
DDG	Deputy Director General
DOJ	Department of Justice and Correctional Services
IO	Information Officer
NIOF	National Information Officers Forum
PAIA	Promotion of Access to Information Act, 2 of 2000
POPIA	Protection of Personal Information Act, 4 of 2013
PIOF	Provincial Information Officers Forum
PCC	Provincial Coordinating Committee
SALGA	South African Local Government Authority
SAHRC	South African Human Rights Commission
IDUAI	International Day for Universal Access to Information



Table of Contents

Foreword	4	6.	Challenges	25
1. Introduction	8	6.1.	Trends analysis	25
2. Mandate of the SAHRC	9	7.	Section 32 reports	27
2.1. The promotion mandate	9	7.1.	National Departments	27
2.1.1. National Information Officers Forum	9	7.2.	Provincial Departments	33
2.1.2. Training of Deputy Information Officers	10	7.2.1.	Eastern Cape	33
2.2. The monitoring mandate	10	7.2.2.	Free State	35
2.2.1. Case law	11	7.2.3.	Gauteng	37
2.2.2. Handover of the SAHRC's PAIA functions	14	7.2.4.	KwaZulu-Natal	39
2.3. The protection mandate	14	7.2.5.	Limpopo	41
2.3.1. Complaints relating to public bodies	15	7.2.6.	Mpumalanga	43
2.3.2. Complaints relating to private bodies	16	7.2.7.	Northern Cape	45
2.3.3. Compelling non-compliant bodies to provide reasons for non-compliance	16	7.2.8.	North West	47
3. Section 51 compliance for private bodies	17	7.2.9.	Western Cape	49
4. Section 14 compliance for public bodies	18	7.3.	Municipalities	50
5. Reporting in terms of section 84	19	7.4.	Other public bodies	58
5.1. Analysis of the reports received from public bodies in terms of section 32 of PAIA in the 2017/2018 financial year	20	7.5.	Chapter 9 and 10 institutions	66
5.2. National Departments	20	8.	Conclusion	67
5.3. Provincial Departments	21			
5.4. Municipalities	22			
5.5. Chapter 9 and 10 institutions	23			
5.6. State Owned Entities and other bodies	24			

1. Introduction

The Promotion of Access to Information Act, 2 of 2000 (PAIA) has been in effect since 2001. The question arises as to whether the PAIA has achieved its objectives over the past 17 years. In particular, it falls to be determined whether users and communities have been able to successfully claim their constitutional right of access to information through the operation of the PAIA.¹ As stated by the Constitutional Court in *Brümmer v Minister of Social Development and Others*:²

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The importance of this right...in a country which is founded on values of accountability, responsiveness and openness, cannot be gainsaid.

To give effect to these founding values, the public must have access to information held by both the State and private sector.

Indeed one of the basic values and principles governing public administration is transparency. //

The Constitution demands that transparency must be fostered by providing the public with timely, accessible and accurate information.

In a society faced with the challenges posed by a lack of transparency, insufficient accountability measures and issues of corruption,³ the right of access to information is of paramount importance to counter such deficiencies in our democratic dispensation. The South African Human Rights Commission (SAHRC or Commission) is constitutionally mandated to promote, protect, monitor and assess the observance of the right of access to information enshrined in section 32 of the Constitution. The PAIA further mandates the Commission to fulfil various promotional and monitoring functions in terms of the Act.

This report accordingly seeks to shed light on work done by the Commission to promote, monitor and protect the right of access to information through its constitutional mandate and the mechanisms enshrined in the PAIA. In so doing, legislative and judicial developments in respect of access to information are noted. Compliance by private and public bodies in terms of producing PAIA manuals is then succinctly expounded. Thereafter, an analysis of reporting under the PAIA by various public bodies is provided. Next, challenges experienced in implementing and enforcing the PAIA are elucidated. Finally, reports received from various public bodies in terms of section 32 of the PAIA are analysed, after which the report concludes.

¹ Section 32 of the Constitution of the Republic of South Africa, 1996 (Constitution).

² *Brümmer v Minister for Social Development and Others* 2009 (6) SA 323 (CC).

³ <https://cdn.24.co.za/files/Cms/General/d/4666/3f63a8b78d2b495d88f10ed060997f76.pdf>.



2. Mandate of the SAHRC

In terms of the Constitution, the SAHRC has a threefold constitutional mandate to promote, protect and monitor the rights enshrined in the Bill of Rights.⁴ Sections 83 and 84 of PAIA further require the SAHRC to submit an annual report to the National Assembly. In fulfilling its PAIA-imposed obligations, the SAHRC develops and implements a holistic strategy that is continually adapted to meet the changing needs of both the implementers and the users of PAIA.

2.1. The promotion mandate

2.1.1. National Information Officers Forum

Since 2003, SAHRC has hosted the National Information Officers Forum (NIOF). The NIOF is primarily convened to celebrate the international “Right to Know Day”, now renamed the International Day for Universal Access to Information (IDUAI), on the 28th of September of each year. The aim of the NIOF is to bring together implementers of the PAIA and relevant stakeholders to discuss the right of access to information, including regional and international developments related thereto. In addition, a platform is created to encourage improved compliance and implementation of PAIA. The SAHRC has used the NIOF not only to commemorate international Right to Know Day, but also to raise awareness of the right, to bring together implementers and users of the PAIA, and to celebrate good practice.

The main purpose of this event is to educate users and implementers of the PAIA. At the same time, this event also aims to raise awareness about the right of access to information at the level of strategic decision making and implementation. This has been achieved through media interventions, press briefings and press statements. Furthermore, the platform created by the event has been utilised to demonstrate that access to information and transparency are global principles adopted by countries that seek to operate in a transparent manner. Finally, the forum aimed to highlight the need for substantive compliance with the PAIA as a central pillar of democracy.

The SAHRC hosted a collaborative event together with the office of the Information Regulator (IR) and the Open Democracy Advice Centre (ODAC) in 2017. The hosting of this event gave the SAHRC an opportunity to publicly engage with the newly established IR in terms of handing over the Commission’s PAIA functions to the IR.

⁴ Section 184(1) of the Constitution.

The event turned on the theme of “Developing a Management Strategy for PAIA Compliance: a human rights based approach in light of the powers of the Information Regulator” and sought to ensure that all public bodies in South Africa eventually become aware of their roles and responsibilities in respect of the PAIA and so ensure compliance. The intervention enabled the IR to put in place effective mechanisms for efficient implementation of the PAIA, thereby creating a suitable environment for members of the public to assert their right to access information.

2.1.2. Training of Deputy Information Officers

The SAHRC conducts trainings for all sectors of government, Non-Governmental Organisations (NGOs) and the private sector. The trainings are conducted upon request. Due to budgetary constraints, the trainings outside Gauteng are now being funded by the institution requesting the training. In 2017/2018, six trainings were conducted. The training requests received and conducted were predominantly from national departments followed by municipalities. In the current reporting year, no training requests were received from private bodies. The training conducted by the SAHRC included the South African Local Government Association (SALGA) offices in North West, Gauteng and the Northern Cape. Training was also conducted for Senqu Municipality and the National Department of Environmental Affairs. Regrettably, some training requests were referred to the South African History Archives and the Department of Justice and Correctional Services (DOJCS) due to staff shortages within the SAHRC. The SAHRC has also received training requests on the Protection of Personal Information Act, 4 of 2013 (POPIA). There is thus a growing interest from institutions to be fully acquainted with the requirements emanating from the POPIA.

2.2. The monitoring mandate

The monitoring mandate of the SAHRC largely involves conducting research and audits to track substantive compliance with the PAIA by public and private bodies. Public institutions are generally interested in meeting the minimum standard of compliance with the PAIA, such as the appointment of a Deputy Information Officer (DIO), the compilation of a section 32 report, as well as a section 14 manual. Over the years, the SAHRC has and continues to interrogate ways to make the PAIA easier to use for communities and information holders both in the public and private sphere.

Section 83(3)(a) of the PAIA specifically mandates the SAHRC to make recommendations for the development, improvement, modernisation, reform or amendment of the Act, other legislation or common law having a bearing on access to information held by public and private bodies, respectively, and for procedures in terms of which public and private bodies make information electronically available. Recommendations made



by the Commission serve not only to strengthen the PAIA but also supports the broader constitutional objective of promoting the right of access to information. The SAHRC has over the years made recommendations to the Minister of Justice as per the provisions of Section 83(3)(a). Some of the recommendations made by the SAHRC, such as the amendment of Section 15 and Section 52 of the PAIA (automatically available records of private and public bodies) require on-going monitoring by the Commission and urgent attention from the Department.

2.2.1. Case law

As part of its monitoring mandate, the Commission scrutinizes noteworthy judgments which may have an impact on access to information, including cases which may lead to the amendment, reform, improvement or modernisation of the PAIA. These judgments serve as a means to advance the right of access to information while clarifying the meaning of certain provisions in the PAIA through judicial interpretation thereof.

2.2.1.1. My Vote Counts NPC V Minister of Justice and Correctional Services

In *My Vote Counts NPC V Minister of Justice and Correctional Services*,⁵ the Constitutional Court was approached to confirm the Western Cape High Court decision which declared the PAIA to be unconstitutional in various respect. My Vote Counts NPC had sought information relating to the private funding of some political parties in terms of the PAIA. The political parties relied on the PAIA to refuse the information requested.

The case turned on section 32 when read with sections 19 and 7(2) of the Constitution, which impose an obligation on Parliament to pass legislation that provides for the recording and disclosure of information on the private funding of political parties and independent candidates. Transparency in the political party funding context would, according to My Vote Counts, help in the fight against corruption. It was furthermore contended that the PAIA, being the legislation passed to facilitate access to information, has failed to do so. The High Court agreed, declaring various provisions in the PAIA inconsistent with the Constitution. The High Court concluded that the PAIA neither applies to political parties nor to independent candidates nor to all records on private funding. It in effect held that the PAIA's failure to provide for access to information on private funding is a deficiency that renders the PAIA inconsistent with the provisions of sections 32, 7(2) and 19 of the Constitution.

⁵ *My Vote Counts NPC v Minister of Justice and Correctional Services and Another* 2018 (8) BCLR 893 (CC).

The Constitutional Court confirmed the order of constitutional invalidity and held that information regarding the private funding of political parties and independent candidates is crucial for the making of political choices and participating in elections. The court went on to order that Parliament amend the PAIA and take any other measures it deems appropriate to provide for the recordal, preservation and facilitation of reasonable access to information on the private funding of political parties and independent candidates within a period of 18 months.

The Constitutional Court found that the PAIA does not provide for access to information regarding the private funding of political parties in that the definition of 'private bodies' in section 1 of the PAIA may not apply to all political parties or independent candidates. Furthermore, section 21 of the PAIA places a duty on public bodies to record and preserve records but does not specifically require the recording, preservation and disclosure of private funding for political parties and independent candidates. The court accordingly also found this provision to be unconstitutional. Lastly, the court found that the PAIA's procedure for requesting information is strenuous and requires a fee payment. The PAIA enables a request to be easily rejected on a variety of grounds found in sections 33-46 and 62-73 for both public and private bodies. For example, a request for private funding information could be rejected because the information is likely to harm the commercial or financial interests of a private body. The court held that since millions of voters are unable to pay fees and follow arduous processes to request information, that the PAIA was invalid to the extent that it does not require the recordal, preservation of and reasonable access to private funding information. The court left the question of how best to address this lacuna to the discretion of the legislature.

2.2.1.2. **Black Sash Trust v Minister of Social Development & Others**

In *Black Sash Trust v Minister of Social Development & Others*, the Centre of Applied Legal Studies (CALS), on behalf of the Black Sash Trust, launched litigation against the Minister of Social Development and the South African Social Security Agency ("SASSA") in an attempt to ensure the continued payment of social grants to grant beneficiaries. The constitutional right of access to social assistance⁶ was threatened as a result of SASSA's failure to conclude a new or interim contract with Cash Paymaster Services ("CPS"), the private entity procured for the nation-wide administration of social grants, and further due to SASSA's inability to itself take over the payment of social grants.⁷

⁶ Section 27(1)(a) of the Constitution.

⁷ *Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening)* 2017 (5) BCLR 543 (CC).



Black Sash sought relief to the effect that any interim contract ordered between the parties contain adequate safeguards for the protection of grant beneficiaries' personal data to ensure that beneficiaries are not subject to unwanted directed marketing of goods and services by CPS and its affiliates that have, in Black Sash's experience, resulted in amounts being deducted from grants. The IR was joined to the proceedings in order to exercise its enforcement and monitoring powers under the POPIA to prevent contractual provisions undermining beneficiaries' rights under the Act.

The Access to Information Network (ATI) Shadow Report on PAIA raised a number of issues that emanated from the judgment, which will have an impact not only on the PAIA but also on the future mandate of the IR.⁸ According to the Shadow Report, the Black Sash matter has secured the following important developments in relation to the ATI Network's work:

- Fostering a working relationship between the IR and members of the ATI Network. The IR has welcomed a further meeting with Centre of Applied Legal Studies (CALs) and Black Sash to develop a civic education strategy on the meaning and import of 'consent' under POPIA and has sought insight from CALs on questions that the IR should pose to CPS during engagements with them;
- Advancing a regulatory approach by the IR that equitably balances concerns of access to information with the protection of information where appropriate;
- Highlighting the importance of facilitating effective access to information in ensuring public and private sector accountability and for whistleblowing purposes. The Black Sash matter has prompted investor accountability and engagement, with CPS investors like Allan Gray and the International Finance Corporation being forced to account to grant beneficiaries;
- Indicating the value of understanding private law through the lens of the Constitution; and
- Stimulating discussions on the relationship between the PAIA and POPIA.

The litigation and resultant judgment thus served to catalyse collaboration between civil society and the IR, and further demonstrate the interrelation between the constitutional rights of access to information and privacy, and various other rights including socio-economic rights.

8

<http://foip.saha.org.za/uploads/images/Shadow%20report%20Booklet%20corrected%20final.pdf>

2.2.2. Handover of the SAHRC's PAIA functions

The POPIA has established the office of the IR through section 32 of the Act. The establishment of the office of the IR holds implications for both the SAHRC and the IR in respect of both access to information and privacy law. The office of the IR will take over the statutory functions set out in the PAIA from the SAHRC once the rest of the Act has been brought into effect by the President of the Republic. All powers of the SAHRC in respect of the PAIA will be assigned to the IR. When the SAHRC receives training requests on POPIA both from the private and public sector, such requests are transferred to the office of the IR and to the Department of Justice. The IR and the SAHRC will be subject to the laws that govern the permanent transfer of functions between public bodies.

The SAHRC has been preparing for the handover process and has had numerous engagements with members of the IR to establish how the handover process will be administered. To this end, a Memorandum of Cooperation between the two institutions is in the process of being finalised.

2.3. The protection mandate

In anticipation of the work that will be taken over by the IR and in preparation of the handing over of those PAIA functions, a decision was made by the SAHRC to decentralise PAIA complaints to its nine provincial offices. The SAHRC fulfils this PAIA mandate through its PAIA Compliance Officer in collaboration with its Legal Services Unit, which together provide assistance to members of the public in exercising their right of access to information. The work done by the SAHRC with respect to this mandate includes responding to general inquiries. Help is further provided in filling out PAIA forms and providing contact details of information holders. The SAHRC is aware of the frustration caused by deemed refusals of information requests by both public and private bodies. Complaints are dealt with in terms of the South African Human Rights Commission Act, 40 of 2013 and the SAHRC's Complaints Handling Procedure (CHP) and other applicable policies of the SAHRC.

The SAHRC fulfils this PAIA mandate through its PAIA Compliance Officer in collaboration with its Legal Services Unit, which together provide assistance to members of the public in exercising their right of access to information.



2.3.1. Complaints relating to public bodies

The SAHRC continues to receive complaints against local government structures, both district and local. These complaints emanate from deemed refusals, where public bodies do not acknowledge or respond to information requests⁹ within the prescribed 30 day limit.¹⁰ Members of the public struggle to hold government to account due to ignored requests and refused requests. The PAIA requires that public bodies regularly update their contact details in order to ensure that members of the public can easily make contact with the IO and DIO of a public body. The SAHRC has on numerous occasions attempted to contact certain IOs and DIOs of various public bodies, to no avail. Furthermore, the SAHRC is unable to elicit accountability where public bodies fail to submit reports to the Commission in terms of section 32 of the PAIA, where such reports reflect updated details of IOs and DIOs that are not otherwise publicly available.

The SAHRC Gauteng provincial office received over seven PAIA complaints against public entities, and at the time of reporting four had successfully been closed. The Commission's Mpumalanga provincial office received a complaint against the provincial legislature which was successfully concluded after records requested were granted. The complaint was based on a deemed refusal after a member of the public sent multiple requests for information. Two other matters involved the Vaal University of Technology in respect of requests for academic results. These matters were also successfully closed and the University was cooperative. The SAHRC's Eastern Cape provincial office received numerous complaints including a complaint from a parent at a school in East London. Following the Commission's intervention, the information was granted. The Free State provincial office received a number complaints on land restitution and the relevant records were granted. The Western Cape provincial office dealt with a few complaints where the complainant faced challenges with regards to non-responsiveness and delays. Such instances include a complaint against the South African Police Services, where it was alleged that the files which were being requested had been lost by the Hawks. Another complaint was lodged against the Department of Correctional Services (DCS), after local media had requested information regarding a detainee's escape from a correctional centre, and to which the DCS is yet to respond. The same provincial office has also successfully resolved complaints, including one lodged against the Drakenstein Municipality after the municipality ignored a request for information regarding its approval of a waste energy plant in an ecologically sensitive area. After the Commission submitted a further information request on behalf of Drakenstein Environmental Watch, most requested information was provided. The stakeholder concerned subsequently used the granted information to successfully halt further construction of the plant.

⁹ Section 27 of the PAIA.

¹⁰ Section 25(1) of the PAIA.

2.3.2. Complaints relating to private bodies

Complaints against private bodies are also cause for concern. Challenges in respect of private bodies similarly relate to non-responsiveness, deemed refusals and failure to respond to requests within the prescribed time frames. Certain requesters have complained to the SAHRC that large corporations are often arrogant in how they respond to PAIA matters. Such corporations unjustifiably refuse and ignore requests and are willing to litigate rather than grant access to records. Requests that are not responded to (at the initial request stage) within the prescribed statutory time frame are deemed, by operation of law, to have been refused (similarly at internal appeal stage, a failure to provide a timely decision is deemed to be a dismissal of the appeal). The SAHRC has observed that private bodies sometimes fail to properly apply the provisions of the PAIA and, as mentioned above, no requests for training from the private sector were received.

2.3.3. Compelling non-compliant bodies to provide reasons for non-compliance

Due to the high level of non-compliance, particularly in local government, the SAHRC took a decision to send a communique to the political heads of municipalities requesting reasons for non-compliance. It is challenging to provide a detailed report on reasons for non-compliance as the Commission had hoped to do, since an overwhelming number of the municipalities failed to respond to the communique. Only four municipalities provided reasons for non-compliance, citing a change in municipal managers which affected the flow of activities within the municipality, lack of resources to fulfil the PAIA mandate and some municipalities cited lack of knowledge of the PAIA and its requirements.

The municipalities were given over a month to respond, failing which the SAHRC would escalate the matter by issuing subpoenas to target, amongst other criteria, those identified as repeat offenders. For example, the SAHRC has been receiving complaints against the Ngwathe municipality in the Free State, on the basis of which members of the public requested the SAHRC to intervene after failed attempts to access the municipality's information manuals. This matter is illustrative of the importance of access to information to realise other rights, including socio-economic rights. In this instance, members of the public seek information to ensure the municipal provision of clean drinking water. In other instances, access to information is necessary to realise the right of access to adequate housing, social assistance, political rights and various other human rights.

Given that the right of access to information is crucial for the realisation of various other rights, the Commission is in the process of taking steps to compel non-compliant municipalities to provide reasons for non-compliance. The information obtained through this exercise will be used to devise a strategy to better respond to the challenges faced by municipalities in implementing the PAIA.



3. Section 51 compliance for private bodies

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

- compile a section 51 manual, which is required to set out applicable procedures for accessing information of the company
- submit the manual to the Commission at its head office
- update any material changes on the manual on a regular basis and re-submit a revised manual to the Commission each time such changes are effected
- electronic submissions to the Commission are accepted, followed by the submission of hard copy originals
- make the manual available as prescribed by the PAIA at the company offices and on their website
- must annex a request form to the manual and also make such request form available on the website and at the company premises access points

In 2015, a moratorium was granted by the Minister of Justice exempting certain private bodies from compiling and submitting manuals up until 2020.¹¹ For example, companies in certain sectors, those that employ less than 50 employees, and those that fall below annual turnover limits, have been exempted from submitting manuals to the Commission. Nevertheless, due to capacity constraints and the fact that a significant number of companies have not been exempted, the SAHRC struggles to monitor PAIA compliance by private bodies. Once POPIA become fully operational, private bodies will no longer have to submit their manuals to the Information Regulator. Instead, such manuals will need to be made available on a company's website, where a website exists. This legislative amendment is welcome, given the difficulties in monitoring PAIA compliance by large numbers of private bodies.

¹¹ https://www.sahrc.org.za/home/21/files/gg39504_nn1222.pdf.

4. Section 14 compliance for public bodies

All public bodies are required by section 14 of the PAIA to compile an information manual. Information manuals serve as a directory for the public institution, must be easily accessible to the public, and are meant to provide insight into the institution in question. As is the case with section 32 reporting compliance, section 14 manual compliance remains low. In the current reporting year, the SAHRC received 58 information manuals, the majority of which were received by registered mail while the rest were submitted electronically. Most of the manuals received were from national departments and municipalities, while 20 of the manuals received had already been translated into three languages as statutorily required. Unfortunately, as has been the case in all previous years, the manuals are not regularly updated although the quality of the manuals has improved significantly. The SAHRC has highlighted the importance of updating the manual due to the fact that there is a constant change in leadership and the manuals have to provide accurate information. The SAHRC continues to emphasise the importance of public bodies updating their information on the Government Communication and Information System (GCIS) as well. The following information must be contained in the section 14 PAIA manual prepared by a public body:

- The name and contact details of the IO and DIO;
- A description of the work of the public body and the services rendered by the public body;
- Records and information held by the public body;
- A list of categories of records that are automatically available;
- A description of how members of the public can participate in the policy development of the public body;
- A description of the request procedure to be followed when requesting information in terms of the PAIA;
- A description of remedies available to members of the public whose requests for information have been declined.

The Commission will continue to underscore the importance of updated section 14 manuals for the promotion of transparency, accountability and responsiveness in the public sector.

The SAHRC continues to emphasise the importance of public bodies updating their information on the Government Communication and Information System (GCIS)



5. Reporting in terms of section 84

Section 84 of the PAIA obliges the Commission to submit to the National Assembly an annual report setting out certain particulars which are in line with the data annually submitted by public bodies to the Commission in terms of Section 32(a)- (h) of the PAIA. The Commission must submit a report which sets out the following information in respect of each public body:

- 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;
- 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.

Below, the information received from public bodies, and which will form part of the SAHRC's report to National Assembly, is elaborated.

5.1. Analysis of the reports received from public bodies in terms of section 32 of PAIA in the 2017/2018 financial year

On an annual basis, the SAHRC sends out notices accompanied by a template for section 32 compliance to all public institutions across all spheres of government to remind public bodies to furnish the SAHRC with the statistics required by section 32. The notice and template are sent out two months prior to the due date in order for all IOs and DIOs to gather relevant statistics in advance. The SAHRC collects the data received from public bodies in order to formulate one report for submission to Parliament. The statistics reflected below are based on all section 32 reports as received from various government departments for this reporting period:

5.2. National Departments

YEAR	NUMBER OF COMPLIANT DEPARTMENTS	
2002/2003	13	Only 27 of the 43 national departments submitted section 32 reports for the current reporting period. Section 32 reports were received from the same departments which have remained compliant in the past years, with slight changes. The South African Police Services (SAPS) consistently receives the highest number of PAIA requests. SAPS received 23 036 requests and 19 464 were granted in full, whereas 387 were declined in full. The Department of Correctional Services (DCS), the Department of Health and the Department of Agriculture also receive high numbers of PAIA requests. The DCS received a total number of 173 requests, with 122 requests granted in full, 14 refused in full and 3 granted partially. The DCS has also remained consistent in their section 32 reporting. Some requests are still referred to the courts for legal recourse, which shows that Information Officers sometimes remain reluctant to freely and speedily grant access to records. The SAHRC has also previously raised concerns about the absence of any clear directives within the legislation to enable it to test the veracity of the content of a section 32 report. It has come to the attention of the Commission that a number of public bodies are not tracking and reporting on requests submitted to them. The SAHRC does not have sufficient capacity to audit the section 32 reports received from public bodies.
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	
2017/2018	27	



5.3. Provincial Departments

YEAR	NUMBER OF COMPLIANT DEPARTMENTS	
2002/2003	26	<p>Compliance at provincial level has decreased drastically, with only 63 reports received for this reporting period. It is the lowest compliance rate since 2011/2012. It is highly concerning that the PAIA came into effect in 2001 and to date there seems to be little political will from IOs to comply therewith. Judging by the above numbers, it is evident that IOs are not implementing the PAIA in their respective provincial departments. 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 Eastern Cape, Western Cape and Limpopo provinces remain the most complaint provincial departments. Compliance levels have decreased significantly in the Northern Cape whereas compliance has increased in the Free State province. Kwa-Zulu Natal showed a slight decline in compliance. Unfortunately, the North West province remains the least compliant and unresponsive of all provincial governments, followed by Mpumalanga. Only two departments in the North West, two in Mpumalanga and one in Northern Cape submitted section 32 reports.</p>
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	
2017/2018	63	

5.4. Municipalities

YEAR	NUMBER OF COMPLIANT MUNICIPALITIES	
2002/2003	3	<p>Compliance in local government has consistently remained the lowest amongst all spheres of government since the enactment of the PAIA. Only 30 of the 278 municipalities complied with section 32 of the PAIA in the current reporting period. Only two reports were received from local government in the Eastern Cape and Northern Cape, respectively, whereas no reports were received from local government in Mpumalanga or the North West. Nelson Mandela Bay municipality in the Eastern Cape received 118 requests with 17 court applications made in terms of the PAIA. There has been no recording of any PAIA related court litigation from other municipalities. The Commission is unable to determine whether this is a positive trend since it may indicate that most requests are not being responded to or recorded in the section 32 reports. Systemic non-compliance reflects the challenges that citizens constantly face in exercising their constitutional rights. Compliance levels have dropped in all three spheres of government and the SAHRC hopes that its planned process of compelling local government to provide reasons for non-compliance will uncover the root cause of the problem.</p>
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	
2017/2018	30	



5.5. Chapter 9 and 10 institutions

Chapter 9 institutions refer to certain independent institutions created by the Constitution to strengthen constitutional democracy while only being subject of the Constitution and the law.

YEAR	NUMBER OF COMPLIANT CHAPTER 9 & 10 INSTITUTIONS	
2002/2003	5	The SAHRC has in the past reported low levels of compliance by chapter 9 and 10 institutions. In this financial year, only the Public Protector and the SAHRC as the custodian of the PAIA completed section 32 reports. It is concerning that institutions created to strengthen democracy are not compliant with legal requirements that flow directly from a constitutional right. Moreover, the responsiveness of these institutions to members of the public cannot be determined. In this reporting period, the office of the Public Protector received 14 requests and only three were granted in full. No court applications were made in terms of the PAIA. In the same way that Chapter 9 and 10 institutions are mandated to hold others to account for breaching various laws and constitutional principles, they too should be expected to uphold the Constitution and comply with the law.
2003/2004	3	
2004/2005	2	
2005/2006	5	
2006/2007	4	
2007/2008	3	
2008/2009	4	
2009/2010	4	
2010/2011	1	
2011/2012	3	
2012/2013	4	
2013/2014	4	
2014/2015	3	
2015/2016	4	
2017/2018	2	

5.6. State Owned Entities and other bodies

For the first time since the coming into effect of the PAIA, the SAHRC has observed high levels of compliance by State Owned Entities (SOEs) and other bodies. 49 SOEs complied with section 32 reporting. This change may be attributable to heightened levels of scrutiny in this sector or to change in leadership. Although the high levels of compliance by SOEs are commendable, certain SOEs including the South African Broadcasting Corporation (SABC), the Airports Company South Africa (ACSA), ESKOM, and the South African Forest Company did not comply. More work needs to be done to achieve full compliance.



6. Challenges

The Commission strives to fulfil its PAIA functions and despite its efforts there seems to be inadequate political will on the part of heads of various state entities to comply with this constitutionally mandated law. Budgetary constraints remain an impediment as the SAHRC can no longer travel to various institutions across the country to conduct PAIA law clinics and trainings for DIOs, unless the institutions requesting training fund the logistical costs. This has had a negative effect on the fulfilment of the SAHRC's promotional mandate. The SAHRC's lack of enforcement powers in respect of PAIA further continues to hinder the Commission's ability to enforce compliance by public bodies in respect of section 32 and section 14 reporting. Non-compliance with section 32 reporting has not been listed as an offence in the PAIA, whereas non-compliance with the development of a section 14 manual by public bodies has been listed as an offence. With the SAHRC's powers in terms of the PAIA set to be transferred to the Information Regulator, which will be set up under the POPIA, the SAHRC hopes that the new body will use its enforcement powers to ensure compliance by public bodies.

Of critical importance is that public bodies acknowledge that efficient systems can be developed using the little resources available. Public institutions have often used inadequate financial resources as a major factor that hinders implementation of the PAIA. While resource constraints do influence implementation, they do not justify the complete disregard of the PAIA.

6.1. Trends analysis

Section 32 reports indicate how public bodies have responded to requests for information submitted in terms of the PAIA. The reports provide statistical and substantive information relating to the numbers of requests received, granted, and refused; together with information regarding decisions on appeals and litigation. Judging by the low levels of compliance in national, provincial and local spheres of government as well as amongst Chapter 9 institutions, it is evident that many public officials are not applying the provisions of the PAIA. Another noticeable trend is the persistent non-compliance by certain national bodies, for example the Department of Labour. In the provincial sector, compliance by North West and Mpumalanga remains low. In the past two financial years, there has been notable increases in compliance by the Limpopo provincial departments and municipalities.

Whereas national departments such as the Department of Health and Department of Justice and Correctional Services have had the highest number of requests in the current year of reporting, the number of requests granted in full was much lower than the requests received. Provincial health departments in various provinces around the country received a high number of requests: the Free State health department received 123 requests, the Limpopo health department received 2096 requests, and the Western Cape health received 278 requests.

This has been an ongoing trend in past financial years. It is clear from these statistics that requests for health records constitute a large percentage of total PAIA requests received by public bodies.

At the local government level, training initiatives undertaken by the SAHRC has shown results. For example, Senqu municipality has never been compliant with the PAIA. The municipality requested training, which it funded. Subsequent to the training, the DIO submitted the municipality's section 32 report and has reported that the municipality is working on translations of its section 14 manual into three languages as required by the Act. The trainings which are being provided by the SAHRC are therefore significant in ensuring that public bodies are familiar with PAIA-imposed obligations.

Non-compliance by Chapter 9 institutions is also cause for concern. As mentioned, institutions created to strengthen constitutional democracy must comply with the law, the more so when laws seek to give effect to constitutional rights. Only one Chapter 9 institution complied with section 32 in this reporting period. In the 2015-2017 reporting period, only four Chapter 9 institutions complied whereas only three institutions complied in the 2014-2015 reporting period.

The absence of policies pertinent to the implementation of the PAIA in public bodies must be noted with concern. Most of the institutions have failed to designate DIOs, which affects how PAIA processes are run and requests are dealt with. The SAHRC also recommends that regulations stipulating deadlines for date of submission of section 32 reports to the SAHRC be passed. For purposes of expediency, the SAHRC notifies public bodies to submit their reports at the close of their financial year. This practice is supported by the need to have annual PAIA statistics which are concurrent with the financial year of most public bodies. The legislation, however, does not fix a date for final submission and the result has been that local government submits reports before the close of their financial year in June of each year while other public bodies submit at the end of March. Even with the extension for submission granted by the SAHRC, some public bodies sent the section 32 reports as late as June and July 2018. Certain provincial and municipal bodies within the Eastern Cape only submitted section 32 reports in September 2018, at which time this report had already been in finalisation stages for submission to the National Assembly. This is unacceptable and seriously impedes the fulfilment of the Commission's own reporting obligations to the National Assembly.

From the reports received in this reporting period, a significant decline in submissions of section 32 reports across all sectors is evident. The only sector which saw an increase in compliance is SOEs. Some reports submitted show that a certain number of requests received were refused, but that in refusing those requests, no provisions of the PAIA were applied to refuse the request. Having submitted these reports, the SAHRC hopes that Parliament will take steps to ensure that the status of implementation changes and that the constitutional principles of openness, transparency and responsiveness are upheld.



7. Section 32 reports

COLOUR KEY

	HAS COMPLIED WITH SECTION
	HAS NOT COMPLIED WITH SECTION

7.1. 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 partial	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))
The Presidency	11	3	0	1	1	2	0	0	0	0	0
Department of Planning Monitoring and Evaluation											
Parliament of the Republic of South Africa	6	6	0	0	0	0	0	1	0	0	0
Department of International Relations and Cooperation	15	6	0	4	2	3	4	2	0	1	0
Department of Communications											

Section 32 reports continued

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 partial	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))
Department of Trade and Industry	36	13	0	0	10	15	0	0	0	0	0
Department of Justice & Constitutional Development	113	36	0	12	14	26	23	6	0	0	0
Public Administration Leadership and Management Academy/ National School of Government	1	0	0	0	1	1	0	0	0	0	0
Department of Economic Development	2	1	0	0	0	0	0	0	0	0	0
Department of Science and Technology	0	0	0	0	0	0	0	0	0	0	0
Department of Defence	46	63	41	19	0	5	22	27	34	1	0
Department of Energy	6	0	0	1	0	1	0	1	1	0	0



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 partial	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))
Department of Mineral Resources											
Department of Cooperative Governance and Traditional Affairs	4	3	0	0	0	0	1	0	0	0	0
Department of Correctional Services	173	122	2	14	3	2	6	11	1	1	0
Department of Environmental Affairs	59	19	0	2	3	5	7	2	0	0	0
Department of Agriculture, Forestry and Fisheries	133	91	2	7	3	12	10	1	0	1	0
Department of Basic Education	6	0	0	0	0	0	0	0	0	0	0
Department of Social Development	8	8	1	0	0	0	0	1	1	0	0
National Treasury	26	8	0	11	7	18	5	4	0	0	1

Section 32 reports continued

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 partial	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))
South African Police Services	23036	19464	994	387	242	2167	644	237	644	380	0
Department of Rural Development and Land Reform	16	9	0	0	0	6	1	0	1	0	0
Department of Public Service and Administration	2	2	0	0	0	0	0	0	0	0	0
Department of Labour											
Department of Health	32	6	0	1	0	1		1	0	0	0
Department of Human Settlements	3	7	0	0	0	0	0	0	0	1	0
Department of Government Communications and Information Systems	2	0	0	1	0	1	0	0	0	0	0
Department of Tourism											



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 partial	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))
Department of Roads Transport											
Department of Arts and Culture											
Department of Military Veterans											
Civilian Secretariat of Police											
Department of Public Works	6	0	0	1	0	1	0	1	1	1	0
Department of State Security											
Department Sports and Recreation South Africa	1	1	0	0	0	0	0	0	0	0	0
Statistics South Africa											
Department of Women											
Department of Home Affairs											

Section 32 reports continued

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 partial	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))
Department of Public Enterprises	2	0	0	1	0	1	1	0	0	0	0
Department of Water Affairs											
Department of Higher Education and Training	5	1	0	2	2	0	0	0	0	0	0
Department of Small Business Development	0	0	0	0	0	0	0	0	0	0	0
Department of Tele-communications and Postal Services											



7.2. Provincial Departments

7.2.1. 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 partial	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 in 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))
EASTERN CAPE											
Office of the Premier	10	10	0	0	0	0	0	0	0	0	0
Provincial Treasury	2	0	0	0	2	2	0	0	0	0	0
Department of Safety and Liaison	0	0	0	0	0	0	0	0	0	0	0
Department of Health	1568	185	1	2	5	0	1180	388	0	0	914
Department of Local Government and Traditional Affairs	14	14	0	0	0	0	7	0	0	0	0
Department of Transport	5	4	0	0	1	0	1	0	0	0	0
Department of Roads and Public Works	5	4	0	0	1	1	0	0	0	0	0

Section 32 reports continued

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 partial	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 in 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))
Department of Human Settlements	6	4	0	0	0	0	0	0	0	0	0
Department of Social Development	3	3	0	0	0	0	0	0	0	2	0
Department of Sport, Recreation, Arts and Culture	9	9	0	9	0	0	0	0	0	5	0
Department of Economic Development, Environmental Affairs and Tourism	6	6	0	0	0	3	0	0	0	0	0
Department of Rural Development and Agrarian Reform											
Department of Education	64	38	0	1	0	1	8	4	2	19	7
Department of Finance											



7.2.2. Free State

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 partial	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 in 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))
FREE STATE											
Office of the Premier	23	23	0	0	0	0	0	0	0	0	0
Department of Sports, Arts and Culture and Recreation	1	1	0	0	0	0	0	0	0	0	0
Department of Cooperative Governance, Traditional Affairs	3	2	0	0	1	1	0	0	0	0	0
Department of Education	6	4	0	1	1	0	0	0	0	0	0
Department of Human Settlements	0	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

Section 32 reports continued

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 partial	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 in 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))
Department of Social Development	0	0	0	0	0	0	0	0	0	0	0
Department of Agriculture and Rural Development	0	0	0	0	0	0	0	0	0	0	0
Department of Small Business Development, Tourism and Environmental Affairs	8	6	0	2	0	2	0	9	0	0	0
Department of Public Works											
Department of Health	123	70	0	0	14	0	0	0	0	0	1
Provincial Treasury	7	7	0	0	0	0	0	0	0	0	0



7.2.3. Gauteng

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 partial	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 in 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
GAUTENG												
Office of the Premier	1	0	0	0	0	0	0	0	0	0	0	0
Department of Agriculture and Rural Development												
Department of Economic Development												
Department of Social Development	3	0	3	3	3	0	0	0	0	0	0	0
Department of Health												
Department of Finance												
Department of Community Safety	1	1	0	0	1	1	0	0	0	0	0	0

Section 32 reports continued

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 partial	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 in 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
Provincial Treasury												
Department of Education												
Department of Roads and Transport												
Department of Sports, Culture and Recreation												
Department of Human Settlements, Co-operative Governance and Traditional Affairs												
Department of Infrastructure Developments												



7.2.4. KwaZulu-Natal

PROVINCIAL DEPARTMENTS	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
KWAZULU NATAL											
Office of the Premier											
Provincial Treasury											
Department of Agriculture and Rural Development	1	0	0	1	0	0	0	1	0	0	0
Department of Transport											
Department of Social Development											
Department of Health											
Department of Community Safety and Liaison	1	1	0	0	0	0	0	0	0	0	0

Section 32 reports continued

PROVINCIAL DEPARTMENTS	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Department of Sports and Recreation											
Department of Human Settlements	3	3	0	0	0	0	0	0	0	0	0
Department of Public Works	6	3	0	0	0	0	0	0	0	0	0
Department of Economic Development, Tourism and Environmental Affairs											
Department of Arts and Culture	10	0	0	1	0	1	0	0	0	0	0
Department of Co-operative Governance and Traditional Affairs	7	5	0	1	0	1	0	1	0	2	0
Department of Education	7	3	0	0	1	1	5	0	0	0	1



7.2.5. Limpopo

PROVINCIAL DEPARTMENTS	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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 appeals made by women
LIMPOPO												
Office of the Premier	36	26	0	0	0	0	25	0	0	0	0	0
Department of Cooperative Governance, Human Settlement and Traditional Affairs	161	115	0	0	0	0	0	0	0	0	0	0
Department of Agriculture	7	5	0	0	2	2	2	1	0	1	0	1
Department of Social Development	4	3	0	0	1	1	2	0	0	0	0	0
Department of Health	2096	2093	0	3	0	3	0	3	0	3	0	1

Section 32 reports continued

PROVINCIAL DEPARTMENTS	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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 appeals made by women
Department of Economic Development, Environment and Tourism	21	20	0	0	0	0	10	0	0	0	0	0
Department of Public works, Roads and Infrastructure	5	1	0	2	2	4	1	1	1	0	0	0
Department of Safety Security and Liaison	0	0	0	0	0	0	0	0	0	0	0	0
Department of Sports, Arts and Culture	4	2	0	0	0	0	1	0	0	0	0	0
Department of Education	8	4	0	0	0	0	0	0	0	0	0	0
Provincial Treasury	9	9	0	0	0	0	0	0	0	0	0	0
Department of Transport	28	16	0	0	6	6	1	3	0	0	0	0



7.2.6. Mpumalanga

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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 appeals lodged by women
MPUMALANGA												
Office of the Premier												
Department of Cooperative Governance and Traditional Affairs	2	2	0	0	0	0	0	0	0	0	0	0
Department of Finance												
Department of Culture, Sport and Recreation												
Department of Social Development												
Department of Education												
Department of Health												

Section 32 reports continued

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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 appeals lodged by women
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	0	0	0	0	0	0	0	0	0	0	0	0



7.2.7. Northern Cape

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
NORTHERN CAPE											
Office of the Premier	431	132	0	12	0	26	28	54	6	52	15
Department of Co-operative Governance, Human Settlements and Traditional Affairs											
Department of Agriculture, Land Reform and Rural Development											
Department of Education											
Department of Environment and Nature Conservation											

Section 32 reports continued

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Department of Social Development											
Provincial Treasury											
Department of Sports, Arts and Culture											
Department of Roads and Public Works											
Department of Economic Development and Tourism.											
Department of Health											
Department of Transport, Safety and Liaison											



7.2.8. North West

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
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	1	0	0	0	0	0	0	0	0	0	0
Department of Women, Children and People with Disabilities.											

Section 32 reports continued

PROVINCIAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Department of Rural Environment and Agricultural Development											
Department of Education											
Department of Local Government and Traditional Affairs											
Department of Health											
Department of Social Development	1	0	0	0	0	1	0	0	0	0	0



7.2.9. 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 request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
WESTERN CAPE											
Office of the Premier	21	8	0	0	13	0	3	0	0	0	0
Provincial Parliament	4	2	0	1	0	1	0	1	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 Planning	60	57	0	0	0	0	11	0	0	0	0
Department of Health	233	0	44	1	45	21	13	13	0	0	0
Department of Human Settlements	5	4	0	0	0	0	0	0	1	0	0
Department of local government	0	0	0	0	0	0	0	0	0	0	0

Section 32 reports continued

PROVINCIAL GOVERNMENT	Number of requests received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Provincial Treasury	2	2	0	0	0	0	1	0	0	0	0
Department of Agriculture	2	0	0	0	1	1	0	0	0	0	0
Department of Transport and Public Works											
Department of Education	9	6	0	0	0	0	0	0	0	0	0
Department of Cultural Affairs and Sport	15	15	0	0	0	0	0	0	0	0	0
Department of Community Safety	0	0	0	0	0	0	0	0	0	0	0
Department of Social Development	7	4	0	2	1	2	0	0	0	0	0



7.3. Municipalities

Non-compliant Municipalities					
1	Aganang Local Municipality	29	eDumbe Local Municipality	57	Imbabazane Local Municipality
2	Alred Nzo District	30	Ehlanzeni District Municipality	58	Impendle Local Municipality
3	Amahlathi Local Municipality	31	Elundini Local Municipality	59	Indaka Local Municipality
4	Amajuba District Municipality	32	eMadlangeni Local Municipality	60	Ingquza Hill Local Municipality
5	Amathole District	33	Emakhazeni Local Municipality	61	Ingwe Local Municipality
6	Ba-Phalaborwa Local Municipality	34	Emalahleni Local Municipality	62	Inkwanca Local Municipality
7	Bavivaans Local Municipality	35	Emalahleni Local Municipality	63	Intsika Yethu Local Municipality
8	Beaufort West Local Municipality	36	Emthanjeni Local Municipality	64	Inxuba Yethemba Local Municipality
9	Bela-Bela Local Municipality	37	Engcobo Local Municipality	65	Joe Gqabi District
10	Bergrivier Local Municipality	38	Ephraim Local Municipality	66	Joe Morolong Local Municipality
11	Bitou Local Municipality	39	eThekwini Metropolitan	67	John Taolo Gaetsewe District
12	Blouberg Local Municipality	40	Ezinqoleni Local Municipality	68	Jozini Local Municipality
13	Blue Crane Route Local Municipality	41	Fetakgomo Local Municipality	69	Kagisano-Molopo Local Municipality
14	Bojanala Platinum District	42	Gamagara Local Municipality	70	Kai Garib Local Municipality
15	Buffalo City Metropolitan	43	Gariep Local Municipality	71	Kamiesberg Local Municipality
16	Bushbuckridge Local Municipality	44	Ga-Segonyana Local Municipality	72	Kannaland Local Municipality
17	Camdeboo Local Municipality	45	Great Kei Local Municipality	73	Karoo Hoogland Local Municipality
18	Cape Agulhas Local Municipality	46	Greater Giyani Local Municipality	74	Kgatelopele Local Municipality
19	Chris Hani District	47	Greater Kokstad Local Municipality	75	Kgetlengrivier Local Municipality
20	Dihlabeng Local Municipality	48	Greater Taung Local Municipality	76	Khai-Ma Local Municipality
21	Dikgatlong Local Municipality	49	Greater Tubatse Local Municipality	77	Khara Hais Local Municipality
22	Dipaleseng Local Municipality	50	Greater Tzaneen Local Municipality	78	Kheis Local Municipality
23	Ditsobotla Local Municipality	51	Hantam Local Municipality	79	Knysna Local Municipality
24	Dr JS Moroka Local Municipality	52	Harry Gwala District Municipality	80	Kopanong Local Municipality
25	Dr Kenneth Kuanda District	53	Hessequa Local Municipality	81	Kouga Local Municipality
26	Dr Pixley Ka Isaka Seme Local Municipality	54	Hlabisa Local Municipality	82	Kou-Kamma Local Municipality
27	Dr Ruth Segomotsi Mompati Local Municipality	55	Ikwezi Local Municipality	83	Langeberg Local Municipality
28	Eden District Municipality	56	iLembe District Municipality	84	Lejelweputswa District

Non-compliant Municipalities					
85	Lekwa Local Municipality	114	Mier Local Municipality	143	Ngqushwa Local Municipality
86	Lekwa-Teemane Local Municipality	115	Mkhambathini Local Municipality	144	Ngwathe Local Municipality
87	Lephalale Local Municipality	116	Mkhondo Local Municipality	145	Nkandla Local Municipality
88	Lesedi Local Municipality	117	Mlhontlo Local Municipality	146	Nkangala District Municipality
89	Letsemeng Local Municipality	118	Mnquma Local Municipality	147	Nketoana Local Municipality
90	Lukhanji Local Municipality	119	Modimolle Local Municipality	148	Nkomazi Local Municipality
91	Madibeng Local Municipality	120	Mogalakwena Local Municipality	149	Nkonkobe Local Municipality
92	Magareng Local Municipality	121	Mohokare Local Municipality	150	Nongoma Local Municipality
93	Mahikeng Local Municipality	122	Molemole Local Municipality	151	Ntabankulu Local Municipality
94	Makana Local Municipality	123	Mookgophong Local Municipality	152	Ntambanana Local Municipality
95	Makhado Local Municipality	124	Mopani District Municipality	153	Nxuba Local Municipality
96	Makhuduthamaqa Local Municipality	125	Moqhaka Local Municipality	154	Nyandeni Local Municipality
97	Maletswai Local Municipality	126	Moretele Local Municipality	155	OR Tambo District
98	Maluti-A-Phofung Local Municipality	127	Moses Kotane Local Municipality	156	Oudtshoorn Local Municipality
99	Mamusa Local Municipality	128	Mpofana Local Municipality	157	Phokwane Local Municipality
100	Mantsopa Local Municipality	129	Msukaligwa Local Municipality	158	Phumelela Local Municipality
101	Maphumulo Local Municipality	130	Mthonjaneni Local Municipality	159	Pixley Ka Seme District
102	Maquassi Hills Local Municipality	131	Mtubatuba Local Municipality	160	Port St Johns Local Municipality
103	Maruleng Local Municipality	132	Musina Local Municipality	161	Prince Albert Local Municipality
104	Masilonyana Local Municipality	133	Mutale Local Municipality	162	Ramotshere Moiloa Local Municipality
105	Matatiele Local Municipality	134	Nala Local Municipality	163	Randfontein Local Municipality
106	Matjhabeng Local Municipality	135	Naledi Local Municipality	164	Ratlou Local Municipality
107	Matzikama Local Municipality	136	Naledi Local Municipality	165	Renosterberg Local Municipality
108	Mbhashe Local Municipality	137	Nama Khoi Local Municipality	166	Richmond Local Municipality
109	Mbizana Local Municipality	138	Namakwa District	167	Richtersveld Local Municipality
110	Mbombela Local Municipality	139	Ndlambe Local Municipality	168	Rustenburg Local Municipality
111	Merafong City Local Municipality	140	Ndwedwe Local Municipality	169	Sakhisizwe Local Municipality
112	Metsimaholo Local Municipality	141	Newcastle Local Municipality	170	Sarah Baartman District
113	Mfolozi Local Municipality	142	Ngaka Modiri Molema District	171	Siyancuma Local Municipality



Non-compliant Municipalities			
172	Siyathemba Local Municipality	201	Umzivubu Local Municipality
173	Skehukhune District Municipality	202	Umzumbe Local Municipality
174	Sol Plaatje Local Municipality	203	uPhongolo Local Municipality
175	Steve Tshwete Local Municipality	204	uThukela District Municipality
176	Sunday River Valley Local Municipality	205	uThungulu District Municipality
177	Thaba Chewu Local Municipality	206	Ventersdorp Local Municipality
178	Thabazimbi Local Municipality	207	Vhembe District Municipality
179	Thabo Mofutsanyana District	208	Victor Khanye Local Municipality
180	Thembelihle Local Municipality	209	Vulamehlo Local Municipality
181	Thulamela Local Municipality	210	Waterberg District Municipality
182	Tsantsabane Local Municipality	211	West Rand District
183	Tsolwana Local Municipality	212	Witzenberg Local Municipality
184	Tswaing Local Municipality	213	ZF Mgcawu District
185	Ubuhlebezwe Local Municipality	214	Zululand District Municipality
186	Ubuntu Local Municipality		
187	Ulundi Local Municipality		
188	Umdoni Local Municipality		
189	uMgungundlovu Local Municipality		
190	uMhlabuyalingana Local Municipality		
191	uMkhanyakude Local Municipality		
192	uMlalazi Local Municipality		
193	uMngeni Local Municipality		
194	uMshwathi Local Municipality		
195	Umsobomvu Local Municipality		
196	uMtshezi Local Municipality		
197	Umuziwabantu Local Municipality		
198	Umvoti Local Municipality		
199	uMzimkhulu Local Municipality		
200	uMzinyathi District Municipality		

Section 32 reports continued

LOCAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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)
EASTERN CAPE											
Nelson Mandela Bay Municipality	118	69	1	11	38	12	6	3	0	22	17
Senqu Local Municipality	0	0	0	0	0	0	0	0	0	0	0
GAUTENG											
Mogale City	4	4	0	0	0	0	0	0	0	0	0
City of Johannesburg	98	45	5	4	1	2	14	4	2	0	0
City of Tshwane	52	44	0	0	1	1	7	1	1	0	0
Ekurhuleni Local Municipality	56	30	0	1	13	9	4	0	0	0	0
Sedibeng Local Municipality	60	60	0	0	0	0	1	0	0	0	0
FREE STATE											
Setsoto Local Municipality	1	1	0	0	0	0	0	0	0	0	0



LOCAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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)
KWAZULU- NATAL											
Abaqulisi Municipality	0	0	0	0	0	0	0	0	0	0	0
Dannhauser Municipality	0	0	0	0	0	0	0	0	0	0	0
Ethekwini Municipality	60	40	1	0	10	3	13	16	4	0	0
uMhlathuze Municipality	0	0	0	0	0	0	0	0	0	0	0
Kwadukuza Municipality	12	11	0	1	1	0	1	0	0	0	0
Msunduzi Municipality	0	0	0	0	0	0	0	0	0	0	0
NORTHERN CAPE											
Kareenburg Municipality	0	0	0	0	0	0	0	0	0	0	0
Saldanha Bay Municipality	13	0	0	0	0	0	0	0	0	0	0
NORTH WEST											
City of Matlosana											

Section 32 reports continued

LOCAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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)
MPUMALANGA											
Umjindi Municipality											
LIMPOPO											
Capricorn District Municipality	6	5	0	0	1	0	0	0	0	0	0
Lepelle Municipality	0	0	0	0	0	0	0	0	0	0	0
Elias Motsoaledi Municipality	0	0	0	0	0	0	0	0	0	0	0
Polokwane City Municipality	15	14	1	2	0	0	0	0	0	0	0



LOCAL GOVERNMENT	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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)
WESTERN CAPE											
Cederberg Municipality	0	0	0	0	0	0	0	0	0	0	0
City of Cape Town Municipality	667	227	0	155	77	205	36	15	2	0	0
Overstrand Municipality	141	49	2	75	4	83	2	1	0	1	0
Theewaterskloof Municipality	3	3	0	0	0	0	0	0	0	0	0
Overberg District Municipality	0	0	0	0	0	0	0	0	0	0	0
West Coast Municipality	20	19	0	0	0	0	0	0	0	0	0
Cape winelands Municipality	0	0	0	0	0	0	0	0	0	0	0
Breede Valley Municipality	1	0	0	0	0	0	0	0	0	0	0
Cape Alghus Municipality	1	0	0	0	0	0	0	0	0	0	0
Central Karoo Municipality	0	0	0	0	0	0	0	0	0	0	0

7.4. Other public bodies

OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Council for Medical Schemes	8	8	0	0	0	0	0	0	0	0	0
Road Accident Fund	5909	5134	0	761	761	217	0	0	0	0	0
Market Theatre Foundation											
South African National Biodiversity Institute	3	3	0	0	0	0	0	0	0	0	0
ESKOM	60	10	15	16	17	2	0	1	0	0	45
South African Social Security Agency	3355	4905	0	1	2	0	22	3	0	0	0
Land and Agricultural Development Bank of South Africa											



OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Ithala Development Finance Corporation											
Airports Company South Africa											
Legal Aid South Africa	3	1	0	2	0	2	0	0	0	0	3
National Nuclear Regulator	16	13	0	0	0	1	2	0	0	0	0
KZN Growth Fund Trust											
Windybrow Theatre											
Legal Services Department											
North West University	96	82	0	12	0	12	0	2	0	0	0
University of the Witwatersrand											

Section 32 reports continued

OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Nkoka Training cc											
Council of Scientific and Industrial Research											
Mining Qualifications Authority	0	0	0	0	0	0	0	0	0	0	0
South African Qualifications Authority	0	0	0	0	0	0	0	0	0	0	0
National Energy Regulator											
South African Revenue Services	38	8	0	9	4	12	7	4	0	3	0
Dube TradePort Corporation (DTC)	0	0	0	0	0	0	0	0	0	0	0
Free State Development Corporation											



OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
East London Industrial Development Zone SOC Ltd											
National Urban Reconstruction and Housing Agency	0	0	0	0	0	0	0	0	0	0	0
Development Bank of Southern Africa	3	2	0	0	0	0	1	0	0	0	0
University of Free State											
Telkom											
Transnet											
National Research Foundation											
Freedom Park	4	4	0	0	0	0	0	0	0	0	0
Broad Band In.....SOC Limited	0	0	0	0	0	0	0	0	0	0	0

Section 32 reports continued

OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Small Enterprise Finance Agency	2	1	0	0	0	0	1	0	0	0	0
Water Research Commission	0	0	0	0	0	0	0	0	0	0	0
National Metrology Institute of South Africa	0	0	0	0	0	0	0	0	0	0	0
Public Service Commission										
National Credit Regulator	0	0	0	0	0	0	0	0	0	0	0
South African Bureau of Standards	2	1	0	1	0	1	1	0	0	0	0
Services Sector Education and Training Authority	0	0	0	0	0	0	0	0	0	0	0
National Gambling Board	9	1	0	1	7	8	2	2	0	0	0
Council for Medical Aid Schemes	8	8	0	0	0	0	0	0	0	0	0



OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Potato Certification Services	8	5	1	0	0	3	1	0	0	0	0
Rand Water	15	10	0	5	0	5	2	0	0	0	0
Broadcasting Complaints of South Africa	0	0	0	0	0	0	0	0	0	0	0
Agricultural Research Council	2	1	1	1	0	0	0	0	0	0	0
Denel	0	0	0	0	0	0	0	0	0	0	0
Eastern Cape Industrial Development Zone	0	0	0	0	0	0	0	0	0	0	0
Export Credit Insurance Corporation SA	0	0	0	0	0	0	0	0	0	0	0
Mpumalanga Economic Regulator	0	0	0	0	0	0	0	0	0	0	0

Section 32 reports continued

OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
National Consumer Tribunal	23	23	0	0	0	0	0	0	0	0	0
Financial Sector Conduct Authority	28	10	1	15	1	16	3	0	0	0	0
Independent Regulatory Board for Auditors	2	1	0	1	0	0	0	0	0	0	0
South African National Biodiversity Institute	3	3	0	0	0	0	0	0	0	0	0
Industrial Development Corporation	0	0	0	0	0	0	0	0	0	0	0
Industrial Development Trust	2	0	0	0	0	0	0	0	0	0	0
Competition Tribunal	0	0	0	0	0	0	0	0	0	0	0
Brand South Africa	1	1	0	0	0	0	0	0	0	0	0



OTHER BODIES	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
Companies and Intellectual Property Commission	3	1	0	0	0	0	0	0	0	0	0
Health Standards Ombud	0	0	0	0	0	0	0	0	0	0	0
Reserve Bank	2	0	0	2	0	2	1	0	0	0	0
Small Enterprise Finance Agency	2	1	0	0	0	0	1	0	0	0	0
National Prosecuting Authority	7	3	0	4	0	0	0	0	0	0	0
National Regulator Compulsory Specifications	0	0	0	0	0	0	0	0	0	0	0
National Lotteries Commission	9	1	0	1	7	8	2	2	0	0	0
City of Johannesburg Property Company	7	6	0	0	1	0	0	0	1	0	0

7.5. Chapter 9 and 10 institutions

CHAPTER 9 AND 10 INSTITUTIONS	Number of request received	Number of requests granted in full	Number of requests granted in the public interest (section 46)	Number of request refused in full	Number of request refused partially	Number of times provisions of the Act were relied on to refuse access in full or partial	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 in 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))
The Office of the Public Protector											
The South African Human Rights Commission											
The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities											
The Auditor General of South Africa											
The Commission for Gender Equality											
The Electoral Commission											
Independent Communications Authority of South Africa											
Public Service Commission											
Financial and Fiscal Commission											



8. Conclusion

The ability to hold both private and public entities accountable for their actions is an essential part of a well-functioning democracy. Worryingly, the compliance statistics reported on above demonstrate that the right of access to information is not being consistently or fully realised. Accordingly, where public or private bodies fail to comply with the PAIA, requesters' constitutional right of access to information is violated. The PAIA gives effect to the right of access to information, which right can be a powerful tool in the realization and protection of other human rights. The PAIA is the foundation for improving transparency and accountability. Whereas some public bodies have improved both compliance with and implementation of the PAIA, others remain wanting. Underperformance in the local and provincial spheres of government also has grave implications for transparency, accountability and responsiveness. Civil society, the media, institutions supporting constitutional democracy and communities must continue demanding improved delivery on the right of access to information. Support must also be provided to the office of the Information Regulator once this body takes over the enforcement and related obligations of the PAIA.

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Promotion of Access to Information Act (PAIA)

Annual Report 2017/18



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