



SEPTEMBER 2021 – SOUTH AFRICA PAIA REGULATIONS 2021

It is important that employers note the following:

Promotion of Access to Information Act (PAIA) regulations published

The PAIA regulations have been amended to bring them in line with similar provisions in the Protection of Personal Information Act (POPIA). To prevent confusion, the Department of Justice and Constitutional Development has repealed the old regulations and promulgated new ones.

The new PAIA regulations include extra obligations and offences for the information officer, forms required to use for access of information and compliance with POPIA.

The regulations, published in Government Gazette 45057 of 27 August 2021, cover the following:

- Availability of guide
 - The regulator must publish a PAIA guide, and both the regulator and the information officer must make it available in at least two official languages at the registered head office. The PAIA guide is not the same as the PAIA manual.
- Access of information
 - Public bodies must make certain records automatically available.
 - Private bodies must voluntarily dispose of certain records and make them automatically available.
 - Political parties must make certain records available.
 - Forms for requesters to request access are available.
 - A form is available for the information officer to use to inform the requester of their decision to grant or refuse access and the fees payable.
- Complaints to information regulator
 - A complainant may use the form provided to lodge an internal appeal against a decision of the information officer of a public body.
 - A complainant may lodge a complaint with the regulator, who must follow a procedure to deal with the complaint.
 - The regulator may try to settle the matter between the parties, failing which the regulator may conduct conciliation proceedings and act as conciliator in the matter.
 - An information officer can request the regulator to make an assessment on whether or not to grant access.
- An information officer who (wilfully or in a grossly negligent manner) charges a fee for inspection of the PAIA guide (or any record) other than the fee prescribed, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.
- Various forms are available under Annexure A in the Gazette.

To view the Government Gazette, follow the [link](#).

Contact our legislation team at info@crs.co.za if you require any additional information.

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