



INFORMATION REGULATOR (SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

MEDIA STATEMENT

INFORMATION REGULATOR TO TAKE OVER PAIA FUNCTIONS FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

29 JUNE 2021

As of 30 June 2021 the Information Regulator will be taking over the regulatory mandate functions relating to the Promotion of Access to Information Act (PAIA) 2000. This follows a proclamation, by the President, of sections 110 and 114(4) of Protection of Personal Information Act (POPIA) 2013, which provide for amendment of PAIA and the effective transfer of certain functions currently performed by the South African Human Rights Commission (SAHRC) to the Information Regulator on 30 June 2021.

Some key objectives of PAIA are to promote transparency, accountability and effective governance of all public and private bodies, as well as to assist members of the public to effectively scrutinize and participate in decision making by public bodies. PAIA ensures that the state promotes a human rights culture and social justice. It also encourages openness and is there to establish mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive, and easy manner.

The Promotion of Access to Information Amendment Act 31 of 2019 (PAIA Amendment Act) which amended the PAIA, came into operation on 1 April 2021. In terms of the PAIA Amendment Act, the information on the private funding of political parties and independent candidates must be recorded, preserved and made available upon request by the public and the head of the political party is the Information Officer, who must be registered with the Regulator in terms of section 55(2) of POPIA.

In relation to PAIA manuals, the scope of information that the manual must cover has been widened to include matters relating to the processing of personal information in terms of POPIA. Up to now, an exemption has allowed smaller private bodies to be exempt from developing a manual. The current exemption expires on 30 June 2021, and the Minister of

Justice and Correctional Services, Mr Ronald Lamola, has extended the current exemption by a further six (6) months effective from 1 July 2021 to 31 December 2021 to afford private bodies that are currently exempted adequate time to compile their PAIA Manual.

Although the notice has not been gazetted yet, a signed copy of the notice may be accessed from the Regulator's website.

As this is a final exemption in terms of section 51(4) of PAIA, effective from 01 January 2022, all public and private bodies (including those that are currently exempted) must have their PAIA Manual available at their principal place of business or on their web site, if any, and from 30 June 2021, public and private bodies do not have to submit their PAIA Manual to the Regulator.

In terms of sec 51(1) of PAIA, as amended, all previously developed PAIA manuals of both public and private bodies must be updated to include provisions relating to the processing of personal information in terms of POPIA.

In order to simplify the compilation process of PAIA Manuals in terms of section 14 and 51 of PAIA, the Regulator will publish PAIA manual templates shortly as a guide.

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