

All entities now require a PAIA manual!

From 1 January 2022 all public and private bodies must have a Promotion of Access to Information Manual (PAIA Manual) in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA)..This ends the exemptions to certain bodies that were provided on an ongoing basis.

The manual will be useful to the public and persons who would like to request records from a private or public body. The manual sets out the process on how to request information, any costs that will be charged, what information is available, the contact details of the relevant information officers and much more.

Who must have a PAIA manual?

The question arises to whom this applies as the Act refers to public and private bodies. Private bodies are defined as a person, company or other kind of juristic entity that carries on a trade, business, or profession, including a political party. This would therefore include a person providing services from their home or a small business in the form of a sole proprietor, company, close corporation or trust. A public body means a government department or other functionary or institution, which is performing a public function.

What must be in the PAIA manual?

All persons / entities therefore meeting the definition of a private body must compile a PAIA manual. The PAIA manual must include the following information:

1. Postal address
2. Street address
3. Telephone and fax number
4. Email address of the head of the body
5. Other information as may be prescribed

6. Description of the guide¹ and how to access it (the guide refers to the guide published by the Information Regulator which explains how the public can use the Promotion of Access to Information Act to exercise their rights to request information)
7. Latest notice in terms of section 52(2) of records available without people requesting it. This relates to specific records of the private body that is available to the public without a person having to formally request access. This would mostly be records available on the website or that are available by email or telephonic request.
8. Description of records available in accordance with other legislation, this would include information that are available in terms of the Companies Act, 71 of 2008, such as the Memorandum of Incorporation or shareholder register.
9. A description of what records the body holds
10. Process to facilitate a request for access to the records of the body

New requirements to be included in the PAIA manual

The PAIA manual must also now include a section on the Protection of Personal Information Act dealing with the following:

1. the purpose of the processing of information
2. a description of the categories of data subjects and of the information or categories of information relating thereto
3. the recipients or categories of recipients to whom the personal information may be supplied
4. planned transborder flows of personal information; and
5. a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed

Fees that may be charged

The Act also refers to a fee that may be required by the private body for the reproduction or copying of the information. This fee is optional, but should the private body want to charge the requester the Regulations² states specific fees such as R140 per request and for photocopies or printed black and white copies of an A4 page, the private body can charge up to R2.00 per page. For information to be copied onto a flash drive or compact disc that was provided by the requestor, an amount of R40 can be charged. Various other fees are also set out in the Regulations.

What must private bodies do with the PAIA manual?

Private bodies must publish this PAIA manual on their website (if they have a website) and make it available at its principal place of business for inspection during normal business hour. This manual must also be provided to any person who asks for it, you

¹ [Guide on how to use the Promotion of Access to Information Act 2 of 2000, as amended](#)

² Fees are provided in the [Promotion of Access to Information Act, 200 \(Act No. 2 of 2000\): Regulations relating to the Promotion of Access to Information, 2021](#), Annexure B

can charge a reasonable amount should you wish, and the manual must also be made available to the Information Regulator if requested.

Private bodies must also ensure that the manual is updated on a regular basis.

Where do private bodies start?

Private bodies that are unsure where to start with the PAIA manual can refer to the Information Regulator website, where the Information Regulator has published a draft template³ in word that private bodies can download and use as a base for compiling the manual.

How can the public / persons apply for records?

The private body's PAIA manual must set out the process on how to apply for records that is not publicly available. The Information Regulator has published a form, *Form 2: Request for Access to Record*⁴ as prescribed in Regulation 7 that must be completed by a person to request records.

Should a private body want to refuse access to records they need to consider sections 62 to 70 of PAIA that deals with grounds for refusal of access to records.

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³ [PAIA Manual Template for a Private Body](#) published by the Information Regulator

⁴ [Form 2: Request to Access a Record](#)