

Key points of updated PAIA Guide

By [Peter Grealy](#) and [Karl Blom](#)

18 Oct 2021

An updated PAIA Guide has been published which provides easy-to-understand direction on how to obtain various items of information from an organisation.

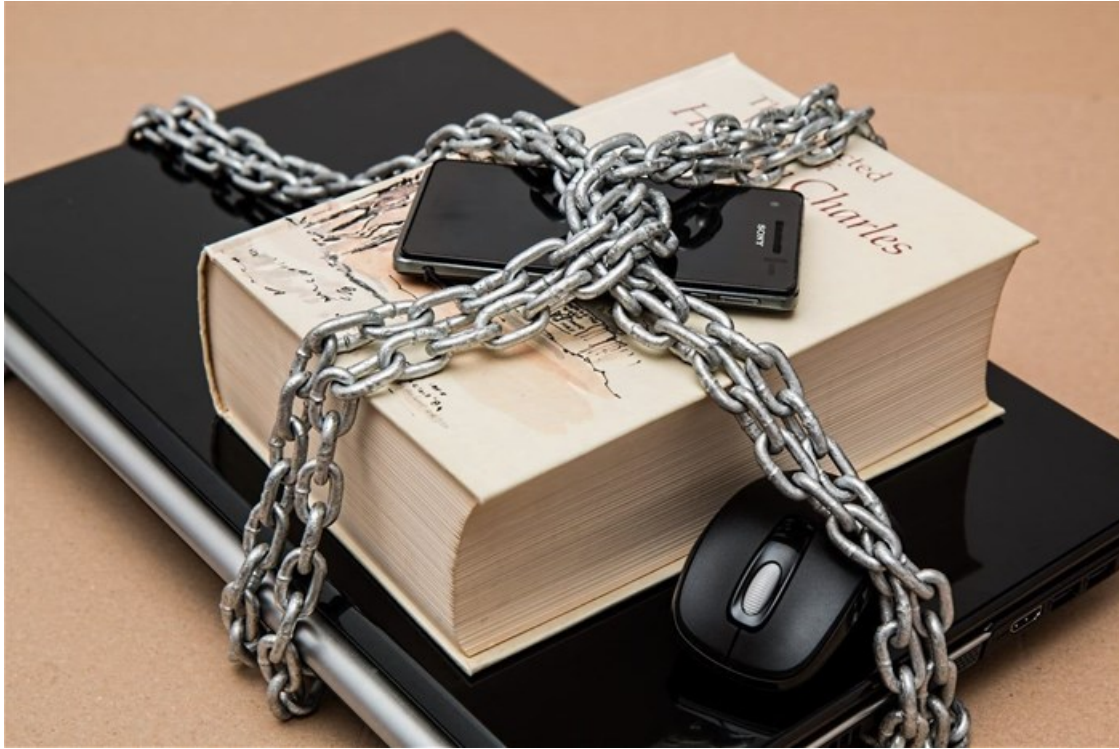


Image source: [Flxabay](#) from [Pexels](#)

The Promotion of Access to Information Act, 2000 (PAIA) requires the Information Regulator to publish a guide (PAIA Guide) to assist a person who wishes to exercise a right contemplated in PAIA or the Protection of Personal Information Act, 2013.

The recently published PAIA Guide is an updated version of the existing guide published by the South African Human Rights Commission (the institution mandated to oversee compliance with PAIA prior to July 2021). The PAIA Guide contains guidance, in an easy-to-understand format, on how to obtain various items of information from an organisation.

It is important for an organisation to understand when it must or may refuse a request, to prevent falling foul of PAIA. If a record falls within one of the mandatory grounds of refusal, an organisation must refuse access to it. Examples include where the record requested is legally privileged or if access to it would result in the unreasonable disclosure of an individual's personal information. In some circumstances, certain organisations (eg. state departments) have the discretion to grant or refuse a request, for instance, if access to the record will hamper the operations of the organisation.

Some of the key elements contained in the PAIA Guide are:

- how to request a record which is in the possession of an organisation, including a step-by-step process map and guidance on the appropriate forms to be used;
- what types of information can be requested. The PAIA Guide notes that sometimes it is not clear whether a record is public or private, and the public is advised to seek legal advice on this issue;
- who can make a request;
- the fees that are payable for making a request and the costs of providing access to records that are requested;
- the role of an organisation's information officer and/or deputy information officer and the role of the Information Regulator in relation to a request;
- the time periods for providing a response to a request; and
- how to challenge an organisation's decision on a request.

ABOUT THE AUTHOR

Peter Grealy and Karl Blom from Webber Wentzel

For more, visit: <https://www.bizcommunity.com>