

## PAIA manual deadline for private bodies

The Promotion of Access to Information Act, 2000 became effective on 9 March 2001, with the exception of sections 10, 14, 15 and 51, which became effective on 15 February 2002.

All the public and private bodies are required in terms of sections 14 and 51 of the Promotion of Access to Information Act (PAIA) to compile manuals on how to access their records.

Temporary exemption was given to certain private bodies and this exemption therefore applied to all private companies EXCEPT where they were involved in any of the sectors mentioned in Schedule 1 of the Act, and they had 50 or more employees or had a turnover above the amounts in Schedule 1, Column 2 of the Act. This exemption however, expires on 31 December 2011.

Therefore it is imperative for private businesses, which were previously exempted, to note that the deadline for the completion of these manuals is *31 December 2011*.

The Act states that all private bodies must:

- compile a section 51 manual
- submit the manual to the South African Human Rights Commission
- effect material changes if any each time these occur and resubmit to the SAHRC
- electronic submissions to the Commission are accepted, sent to [dmalesa@sahrc.org.za](mailto:dmalesa@sahrc.org.za)
- hard copies of the manuals must be submitted / posted to SAHRC head office at the following address:  
South African Human Rights Commission  
Private Bag X2700  
Houghton  
2041
- make the manual available as prescribed by the Act at the company offices and on their website
- must annex a request form to the manual and also make request form available on the website and at the company premises access points
- there are **penalties** for non compliance - please see section 90 of PAIA

The requirements for private bodies is stated in section 51 of the Act, which states that the manual must contain the following information:

- postal and street address, phone and fax number and if available the e-mail address of the head of the private body
- the description of the guide compiled by the SAHRC and how to access it (refer to SAHRC guidelines under information)
- the latest notice regarding the categories of records of the body which are available without a person having to request access in terms of PAIA
- the description of available records generated by the company stating those which are automatically available and those that are available on request
- outline the request procedure in terms of PAIA
- a description of the subjects on which the private body holds records, and the categories of records held on each subject
- state who the head of the company is (CEO is usually the Information Officer in terms of PAIA)
- stipulate the fees applicable as legislated by the Act which are chargeable to requesters
- remedies available to requesters if their request for information has been refused
- details facilitating request for access to a record etc