



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

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

**READINESS PLAN  
FOR THE IMPLEMENTATION OF THE  
PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000  
(PAIA), AS AMENDED**

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## TABLE OF CONTENTS

1. BACKGROUND.....	3
2. INSTITUTIONAL ARRANGEMENT.....	4
3. PURPOSE AND OBJECTIVE OF THE READINESS PLAN.....	7
4. PROVISION OF PAIA, AMENDMENT BY POPIA.....	8
5. DETAILED ACTIONS TO BE UNDERTAKEN ON EACH OF THE PROVISIONS OF PAIA .....	26
6. COSTING OF THE REQUIRED RESOURCES TO IMPLEMENT THE READINESS PLAN.....	34



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## 1. BACKGROUND

- 1.1 Access to information is recognised globally as crucial to establishing transparent government and thereby promoting good governance. In South Africa, the Constitution of the Republic of South Africa, 1996<sup>1</sup> (Constitution) is founded on the values of accountability, responsiveness and openness. Given South Africa's history of serious allegations of fraud and corruption, fruitless and wasteful expenditure, as well irregular expenditure, it is essential for the right of access to information to be realised in order to create the transparency necessary to hold government and private actors accountable
- 1.2 The Constitution states that South Africa is a sovereign and democratic state that is founded on the advancement of human rights and an accountable, responsive and transparent system of governance as part of its values. Before South Africa became a constitutional democracy with an enforceable Bill of Rights, the system of government in South Africa amongst others, resulted in a secretive and unresponsive culture in both public and private bodies which often led to the abuse of power and human rights violations. It is in this regard that section 32(1) of the Bill of Rights in the Constitution, provides for the right of access to information held by the state; and any information held by another person that is required for the exercise or protection of any rights. Section 32(2) of the Constitution in turn provides for the enactment of national legislation that will give effect to this right, by respecting, protecting, promoting and fulfilling this right.
- 1.3 The Promotion of Access to Information Act 2 of 2000 (PAIA), as amended by section 110 of the Protection of Personal Information Act 4 of 2013 (POPIA) is the national legislation which was enacted to-
- 1.3.1 give effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights; and
  - 1.3.2 provide the Information Regulator with certain powers and duties in the protection and promotion of right of access to any information.

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<sup>1</sup> *Constitution of the Republic of South Africa, 1996 ( Act No. 108 of 1996)*

## 2. INSTITUTIONAL ARRANGEMENT

### 2.1 Current situation prior to commencement of PAIA amendments

2.1.1 The South African Human Rights Commission (SAHRC) is currently mandated under PAIA to<sup>2</sup>:

2.1.1.1 Promote the right of access to information;

2.1.1.2 Monitor the implementation of PAIA by public and private bodies;

2.1.1.3 Make recommendations to strengthen the PAIA;

2.1.1.4 Report annually to Parliament.

2.1.2 The SAHRC has, amongst others, the following additional functions and obligations, in terms of section 83 and 84 of PAIA-

2.1.2.1 to make a copy of a guide on how to use the Act available to the public;

2.1.2.2 to the extent that financial and other resources are available, develop and conduct educational programmes to advance the understanding of PAIA by the public, in particular to teach disadvantaged communities about PAIA and how to use it and how to exercise their rights in terms thereof;

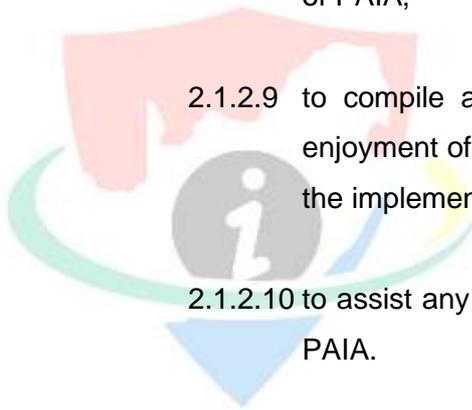
2.1.2.3 to the extent that financial and other resources are available, encourage public and private bodies to participate in these programmes, and undertake their own educational programmes on the understanding of PAIA;

2.1.2.4 to train Information Officers (IO) and Deputy Information Officers (DIO) of public bodies;

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<sup>2</sup> SAHRC Guide on how to use the Promotion of Access to Information Act 2 of 2000, para 1.4, page 11-  
<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

- 2.1.2.5 to make recommendations to public and private bodies that they change the manner in which they administer PAIA, as the Commission considers advisable;
- 2.1.2.6 to consult with and receive reports from public and private bodies on the problems they have encountered in complying with PAIA;
- 2.1.2.7 to obtain advice from and to consult with, or receive and consider proposals or recommendations from any public or private body, official of such a body or member of the public in connection with the Commission's functions in terms of PAIA;
- 2.1.2.8 to receive reports from public bodies regarding the implementation of PAIA;
- 2.1.2.9 to compile and submit a report to Parliament annually on the enjoyment of the right of access to information in the Republic and the implementation of PAIA in general; and
- 2.1.2.10 to assist any person wishing to exercise the right contemplated in PAIA.



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2.1.3 Under PAIA, the SAHRC does not have enforcement powers, although those powers are bestowed upon the Information Regulator (Regulator) in terms of amendments brought by POPIA. Lack of enforcement powers resulted on pervasive non-compliance with the provision of PAIA by both the public and private bodies, forcing members of the public to litigate in order to vindicate their rights.

## **2.2 Transitional arrangements for the handover of the PAIA functions from the SAHRC to the Regulator**

2.2.1 The Regulator has, in accordance with section 114(4) of POPIA, concluded a Memorandum of Cooperation ("MoC") with the SAHRC, and the Purpose of the MoC is to develop and agree on a framework to

facilitate the effective handover of the PAIA functions from the SAHRC to the Regulator.

2.2.2 In terms of the MoC, the SAHRC and the Regulator will jointly develop a Plan of Action (POA) to regulate the handing over of the PAIA function during the transitional period of 2 months after the operationalization of the Regulator in respect of its PAIA function.

2.2.3 Subsequent to the conclusion of the MoC, several meetings took place between the Regulator and the SAHRC, in terms of which the parties agreed that the SAHRC will commence with preparation of files relating to PAIA Function for hand over.

### 2.3 **Information Regulator's mandate upon the commencement of section 110 of POPIA**

2.3.1 On 17 June 2020, the President signed the proclamation of a number of remaining sections of POPIA. In terms of the proclamation, sections 110 and 114(4) shall commence on 30 June 2021 and this means that the Regulator shall only take over the PAIA Function from the SAHRC on 30 June 2021.

2.3.2 Accordingly, the Regulator's primary objective under PAIA, as amended by section 110 of POPIA, is to promote the constitutional right of access to any information processed and held by public and private bodies.

2.3.3 Although the Regulator has certain powers, duties and functions under section 40 of the POPIA, Section 77C(1) and (2) of amended PAIA, read with section 83 and 84 thereof, makes provision for the following additional powers, duties and functions of the Regulator in relation to a complaint, to-

2.3.3.1 investigate the complaint in the prescribed manner;

2.3.3.2 refer the complaint to the Enforcement Committee established in terms of section 50 of POPIA;

- 2.3.3.3 decide, in accordance with section 77D, to take no action on the complaint or, as the case may be, require no further action in respect of the complaint;
- 2.3.3.4 act, where appropriate, as conciliator in relation to such complaint in the prescribed manner.
- 2.3.3.5 conduct as an assessment, in terms of section 77H (1), whether a public or private body generally complies with the provisions of PAIA and POPIA, insofar as its policies and implementation procedures are concerned.

### **3. PURPOSE AND OBJECTIVE OF THE READINESS PLAN**

- 3.1 The purpose of this Readiness Plan is to identify performance tasks and creating deliverables throughout the implementation period, to ensure the operating environment is prepared to effectively promote and protect the right to privacy as well as the right of access to information. The Readiness Plan will assist the Regulator to determine the readiness state of the organisation and defines how close this environment is to the desired readiness state.
- 3.2 The objective of the Readiness Plan is to critically look at the organisation's capacity to successfully deliver or to perform its functions under PAIA, as amended, and initiates appropriate actions or measures to bring a current state of readiness to one of confidence in long-term success of the organisation.

#### 4. PROVISION OF PAIA, AMENDMENT BY POPIA

4.1 The table below, indicate major amendments to PAIA, in terms of section 110 of POPIA-

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
<b>Long Title</b>	To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith	To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; to provide that the Information Regulator, established in terms of the Protection of Personal Information Act, 2013, must exercise certain powers and perform certain duties and functions in terms of this Act; and to provide for matters connected therewith.
1	<u>None</u>	<b>“biometrics” means</b> a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition”
	<u>None</u>	<b>“Information Regulator”</b> means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;”.
	<b>“Human Rights Commission”</b> means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;	<b><u>Repealed</u></b>
	<b>“personal information”</b> means information about an identifiable individual, including, but not limited to- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation,	<b>“personal information”</b> means information relating to an identifiable natural person, including, but not limited to- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;</p> <p>(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;</p> <p>(c) any identifying number, symbol or other particular assigned to the individual;</p> <p>(d) the address, fingerprints or blood type of the individual;</p> <p>(e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;</p> <p>(f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the individual;</p> <p>(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and</p> <p>(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of</p>	<p>or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</p> <p>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</p> <p>(c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;</p> <p>(d) the biometric information of the person;</p> <p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,</p> <p>but excludes information about an individual who has been dead for more than 20 years;</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years;</p>	
	<p><b>'Personal Requester'</b> means a requester seeking access to a record containing personal information about the requester;</p>	<p><b><u>Repealed</u></b></p>
<p><b>10</b></p>	<p>1. <u>The Human Rights Commission</u> must, within three years after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA.</p> <p>(2) The guide must, without limiting the generality of subsection (1), include a description of-</p> <p>(a) <u>the objects of this Act</u>;</p> <p>(b) the postal and street address, phone and fax number and, if available, electronic mail address of-</p> <p>(i) the information officer of every public body, and</p> <p>(ii) every deputy information officer of every public body designated in terms of section 17 (1);</p> <p>(c) such particulars of every private body as are practicable;</p> <p>(d) the manner and form of a request for-</p> <p>(i) access to a record of a public body contemplated in section 11; and</p>	<p>1. <u>The Information Regulator</u> must update and make available the existing guide that has been compiled by the South African Human Rights Commission containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and <u>the Protection of Personal Information Act, 2013</u>.</p> <p>2. The guide must, without limiting the generality of subsection (1), include a description of-</p> <p>(a) <u>the objects of this Act and the Protection of Personal Information Act, 2013</u>;</p> <p>(b) the manner and form of a request for-</p> <p>(a) access to a record of a public body contemplated in section 11; and</p> <p>(ii) access to a record of a private body contemplated in section 50;</p> <p>(c) the assistance available from the information officer of a public body in terms of this Act and the Protection of Personal Information Act, 2013;</p> <p>(d) the assistance available from the Information Regulator in terms of this Act and the Protection of Personal Information Act, 2013;</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>(ii) access to a record of a private body contemplated in section 50;</p> <p>(e) the assistance available from the information officer of a public body in terms of this Act;</p> <p>(f) the assistance available from the Human Rights Commission in terms of this Act;</p> <p>(g) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging-</p> <p>(i) an internal appeal; and</p> <p>(ii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision of the head of a private body;</p> <p>(h) the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;</p> <p>(i) the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;</p> <p>(j) the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and</p> <p>(k) the regulations made in terms of section 92.</p>	<p>(e) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act and the Protection of Personal Information Act, 2013, including the manner of lodging-</p> <p>(i) an internal appeal;</p> <p>(ii) a complaint to the Information Regulator; and</p> <p>(iii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal, a decision by the Information Regulator or a decision of the head of a private body;</p> <p>(f) the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;</p> <p>(g) the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;</p> <p>(h) the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and</p> <p>(i) the regulations made in terms of section 92.</p> <p>3. <u>The Information Regulator</u> must, if necessary, update and publish the guide at intervals of not more than two years.</p> <p>4. The guide must be made available as prescribed.</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>(3) <u>The Human Rights Commission</u> must, if necessary, update and publish the guide at intervals of not more than two years.</p> <p>(4) The guide must be made available as prescribe</p>	
<b>11(2)</b>	A request contemplated in subsection (1) <u>includes</u> a request for access to a record containing personal information about the requester.	A request contemplated in subsection (1) <u>excludes</u> a request for access to a record containing personal information about the requester.
<b>14(1)</b>	<p>(1) Within six months after the commencement of this section or the coming into existence of a public body, the information officer of the public body concerned must compile in at least three official languages a manual containing-</p> <p>(a) a description of its structure and functions;</p> <p>(b) the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the body and of every Deputy Information Officer of the body designated in terms of section 17 (1);</p> <p>(c) a description of the guide referred to in section 10, if available, and how to obtain access to it;</p> <p>(d) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;</p>	<p>The information officer of a public body must in at least three official languages make available, as referred to in subsection (3), a manual containing-</p> <p>(a) in general</p> <p>(i) a description of its structure and functions;</p> <p>(ii) the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the body and of every deputy information officer of the body designated in terms of section 17 (1);</p> <p>(iii) a description of all remedies available in respect of an act or a failure to act by the body; and</p> <p>(iv) such other information as may be prescribed;</p> <p>(b) insofar as this Act is concerned-</p> <p>i) a description of the guide referred to in section 10, if available, and how to obtain access to it;</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>(e) the latest notice, in terms of section 15 (2), if any, regarding the categories of records of the body which are available without a person having to request access in terms of this Act;</p> <p>(f) a description of the services available to members of the public from the body and how to gain access to those services;</p> <p>(g) a description of any arrangement or provision for a person (other than a public body referred to in paragraph (a) or (b)(i) of the definition of 'public body' in section 1) by consultation, making representations or otherwise, to participate in or influence-</p> <p>(i) the formulation of policy; or</p> <p>(ii) the exercise of powers or performance of duties, by the body;</p> <p>(h) a description of all remedies available in respect of an act or a failure to act by the body; and</p> <p>(i) such other information as may be prescribed.</p>	<p>ii) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;</p> <p>iii) the latest notice, in terms of section 15 (2), if any, regarding the categories of records of the body which are available without a person having to request access in terms of this Act;</p> <p>iv) a description of the services available to members of the public from the body and how to gain access to those services; and</p> <p>v) a description of any arrangement or provision for a person (other than a public body referred to in paragraph (a) or (b) (i) of the definition of 'public body' in section (1) by consultation, making representations or otherwise, to participate in or influence-</p> <p>(aa) the formulation of policy; or</p> <p>(bb) the exercise of powers or performance of duties, by the body;</p> <p>(c) insofar as the Protection of Personal Information Act, 2013, is concerned-</p> <p>i) the purpose of the processing;</p> <p>ii) a description of the categories of data subjects and of the information or categories of information relating thereto;</p> <p>iii) the recipients or categories of recipients to whom the personal information may be supplied;</p> <p>iv) planned transborder flows of personal information; and</p> <p>v) a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
		responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.
<b>14(3)</b>	Each manual must be made available as prescribed.	Each manual must be made available- (a) on the web site, if any, of the public body; (b) at the head office of the public body for public inspection during normal business hours; (c) to any person upon request and upon the payment of a reasonable amount; and (d) to the Information Regulator upon request.
<b>15(1)</b>	The information officer of a public body, referred to in paragraph (a) or (b)(i) of the definition of 'public body' in section 1, must, on a periodic basis not less frequently than once each year, submit to the Minister a description of-	The information officer of a public body, referred to in paragraph (a) or (b) (i) of the definition of 'public body' in section 1, must make available in the prescribed manner a description of-
<b>15(2)</b>	(2) On a periodic basis not less frequently than once each year and at the cost of the relevant public body, the Minister must, by notice in the <i>Gazette</i> - (a) publish every description submitted in terms of subsection (1); or (b) update every description so published as the case may be.	Repealed
<b>15(3)</b>	(3) The only fee payable (if any) for access to a record included in a notice in terms of subsection (2) is a prescribed fee for reproduction.	The only fee payable (if any) for access to a record referred to in subsection (1) is a prescribed fee for reproduction.
<b>21</b>	If the information officer of a public body has received a request for access to a record of the body, that information officer must take the	If the information officer of a public body has received a request for access to a record of the body, that information officer must take the steps that are

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>steps that are reasonably necessary to preserve the record, without deleting any information contained in it, until the information officer has notified the requester concerned of his or her decision in terms of section 25 and-</p> <p>(a) the periods for lodging an internal appeal, an application with a court or an appeal against a decision of that court have expired; or</p> <p>(b) that internal appeal, application or appeal against a decision of that court or other legal proceedings in connection with the request has been finally determined,</p>	<p>reasonably necessary to preserve the record, without deleting any information contained in it, until the information officer has notified the requester concerned of his or her decision in terms of section 25 and</p> <p>a) the periods for lodging an internal appeal, a complaint to the Information Regulator, an application with a court or an appeal against a decision of that court have expired; or</p> <p>b) that internal appeal, <u>complaint to the Information Regulator</u>, application or appeal against a decision of that court or other legal proceedings in connection with the request has been finally determined</p>
22(1)	<p>The information officer of a public body to whom a request for access is made, must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.</p>	<p>The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.</p> <p><i>Ensuring protection of your personal information</i></p>
22(2)	<p>If-</p> <p>(a) the search for a record of a public body in respect of which a request for access by a requester, other than a personal requester, has been made; and</p> <p>(b) the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa), would, in the opinion of the information officer of the body, require more than the hours prescribed for this purpose for requesters, the information officer must by notice require the</p>	<p>If- <i>effective access to information</i></p> <p>(a) the search for a record of a public body in respect of which a request for access by a requester has been made; and</p> <p>(b) the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)), would, in the opinion of the information officer of the body, require more than the hours prescribed for this purpose for requesters, the information officer must by notice require the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	requester, other than a personal requester, to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.	if the request is granted.
<b>22(3)</b>	<p>The notice referred to in subsection (1) or (2) must state-</p> <p>(a) the amount of the deposit payable in terms of subsection (2), if applicable;</p> <p>(b) that the requester may lodge an internal appeal or an application with a court, as the case may be, against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be; and</p> <p>(c) the procedure (including the period) for lodging the internal appeal or application, as the case may be.</p>	<p>The notice referred to in subsection (1) or (2) must state-</p> <p>(a) the amount of the deposit payable in terms of subsection (2), if applicable;</p> <p>(b) that the requester may lodge an internal appeal, <u>a complaint to the Information Regulator</u> or an application with a court, as the case may be, against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be; and</p> <p>(c) the procedure (including the period) for lodging the internal appeal, <u>complaint to the Information Regulator or application</u>, as the case may [be].</p>
<b>25(2)(c)</b>	If the request for access is granted, the notice in terms of subsection (1) (b) must state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.	If the request for access is granted, the notice in terms of subsection (1) (b) must state that the requester may lodge an internal appeal, a complaint to the Information Regulator or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal, <u>complaint to the Information Regulator or application</u> , as the case may be.
<b>25(3) (c)</b>	(3) If the request for access is refused, the notice in terms of subsection (1) (b) must state that the requester may lodge an internal	If the request for access is refused, the notice in terms of subsection (1) (b) must state that the requester may lodge an internal appeal, <u>complaint to the</u>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.	<u>Information Regulator</u> or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be
<b>26(3) (c)</b>	The notice in terms of subsection (2) must state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the extension, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.	The notice in terms of subsection (2) must state that the requester may lodge an internal appeal, <u>complaint to the Information Regulator</u> or an application with a court, as the case may be, against the extension, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.
<b>29 (9)</b>	If an internal appeal or an application to a court, as the case may be, is lodged against the granting of a request for access to a record, access to the record may be given only when the decision to grant the request is finally confirmed.	If an internal appeal, <u>complaint to the Information Regulator</u> or an application to a court, as the case may be, is lodged against the granting of a request for access to a record; access to the record may be given only when the decision to grant the request is finally confirmed.
<b>32</b>	The information officer of each public body must annually submit to the <u>Human Rights Commission</u> a report stating in relation to the public body-	The information officer of each public body must annually submit to the <u>Information Regulator</u> a report stating in relation to the public body-
<b>49 (3) (b)</b>	If the request for access is granted, the notice in terms of subsection (1) (b) must state that the third party may lodge an internal appeal or an application, as the case may be, against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal or application, as the case may be; and	If the request for access is granted, the notice in terms of subsection (1) (b) must state that the third party may lodge an internal appeal, <u>complaint to the Information Regulator</u> or an application, as the case may be, against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be; and
<b>49 (3) (c)</b>	If the request for access is granted, the notice in terms of subsection	If the request for access is granted, the notice in terms of subsection (1) (b) must

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	(1) (b) must that the requester will be given access to the record after the expiry of the applicable period contemplated in paragraph (b), unless such internal appeal or application with a court is lodged within that period.	that the requester will be given access to the record after the expiry of the applicable period contemplated in paragraph (b), unless such internal appeal, complaint to the Information Regulator or application with a court is lodged within that period.
49 (4)	If the information officer of a public body decides in terms of subsection (1) to grant the request for access concerned, he or she must give the requester access to the record concerned after the expiry of 30 days after notice is given in terms of subsection (1) (b), unless an internal appeal or an application with a court, as the case may be, is lodged against the decision within that period.	If the information officer of a public body decides in terms of subsection (1) to grant the request for access concerned, he or she must give the requester access to the record concerned after the expiry of 30 days after notice is given in terms of subsection (1) (b), unless an internal appeal, <u>complaint to the Information Regulator</u> or an application with a court, as the case may be, is lodged against the decision within that period.
51 (1)	<p>Within six months after the commencement of this section or the coming into existence of the private body concerned, the head of a private body must compile a manual containing-</p> <p>(a) the postal and street address, phone and fax number and, if available, electronic mail address of the head of the body;</p> <p>(b) a description of the guide referred to in section 10, if available, and how to obtain access to it;</p> <p>(c) the latest notice in terms of section 52 (2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of this Act;</p> <p>(d) a description of the records of the body which are available in accordance with any other legislation;</p>	<p>The head of a private body must make a manual available in terms of subsection (3) containing-</p> <p>(a) in general-</p> <p>(i) the postal and street address, phone and fax number and, if available, electronic mail address of the head of the body; and</p> <p>(ii) such other information as may be prescribed;</p> <p>(b) insofar as this Act is concerned-</p> <p>(i) a description of the guide referred to in section 10, if available, and how to obtain access to it;</p> <p>(ii) the latest notice in terms of section 52 (2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of this Act;</p> <p>(iii) a description of the records of the body which are available in</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>(e) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject; and</p>	<p>accordance with any other legislation; and</p> <p>(iv) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;</p> <p>(c) insofar as the Protection of Personal Information Act, 2013, is concerned-</p> <p>(i) the purpose of the processing;</p> <p>(ii) a description of the categories of data subjects and of the information or categories of information relating thereto;</p> <p>(iii) the recipients or categories of recipients to whom the personal information may be supplied;</p> <p>(iv) planned trans border flows of personal information; and</p> <p>(v) 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.</p>
51 (3)	Each manual must be made available as prescribed.	<p>The manual referred to in subsection (1), or the updated version thereof as referred to in subsection (2) must be made available-</p> <p>(a) on the web site, if any, of the private body;</p> <p>(b) at the principal place of business of the private body for public inspection during normal business hours;</p> <p>(c) to any person upon request and upon the payment of a reasonable amount; and</p> <p>(d) to the Information Regulator upon request</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
52 (1)	The head of a private body may, on a voluntary and periodic basis, <u>submit to the Minister</u> a description of-	The head of a private body may, on a voluntary basis, make available in the <u>prescribed manner</u> a description of-
52 (2)	If appropriate the Minister must, on a periodic basis and by notice in the <i>Gazette</i> - (a) publish any description so submitted; and (b) update any description so published.	Deleted
52 (3)	The only fee payable (if any) for access to a record included in a notice in terms of <u>subsection (2)</u> is a prescribed fee for reproduction.	The only fee (if any) for access to a record referred to in <u>subsection (1)</u> is a prescribed fee for reproduction
54 (1)	The head of a private body to whom a request for access is made must by notice require the requester, <u>other than a personal requester</u> , to pay the prescribed request fee (if any), before further processing the request.	The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
54 (2)	If-  (a) the search for a record of a private body in respect of which a request for access by a requester, <u>other than a personal requester</u> , has been made; and  (b) the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)),  would, in the opinion of the head of the private body concerned, require more than the hours prescribed for this purpose for requesters, the head must by notice require the requester, <u>other</u>	If-  (a) the search for a record of a private body in respect of which a request for access by a requester has been made; and  (b) the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)),  would, in the opinion of the head of the private body concerned, require more than the hours prescribed for this purpose for requesters, the head must by notice require the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.

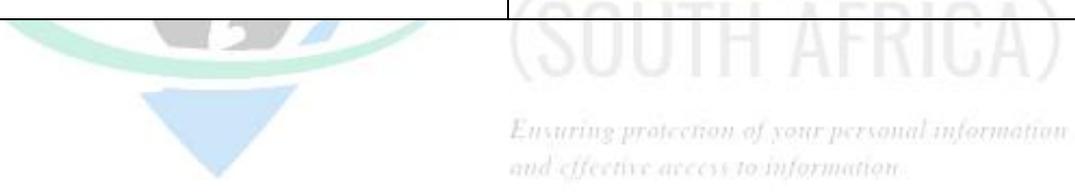
SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p><u>than a personal requester</u>, to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.</p>	
<b>54 (3) (b)</b>	<p>The notice referred to in subsection (1) or (2) must state that the requester may lodge an application with a court against the tender or payment of the request fee in terms of subsection (1), or the tender or pay</p>	<p>The notice referred to in subsection (1) or (2) must that the requester may lodge a <u>complaint to the Information Regulator</u> or an application with a court against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be; and</p>
<b>54 (3) (c)</b>	<p>The notice referred to in subsection (1) or (2) must state the procedure (including the period) for lodging the application.</p>	<p>The notice referred to in subsection (1) or (2) must state the procedure (including the period) for lodging <u>the complaint to the Information Regulator</u> or the application.</p>
<b>56 (2) (c)</b>	<p>If the request for access is granted, the notice in terms of subsection (1) (b) must state that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.</p>	<p>If the request for access is granted, the notice in terms of subsection (1) (b) must state that the requester may <u>lodge a complaint to the Information Regulator</u> or an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for <u>lodging a complaint to the Information Regulator</u> or the application.</p>
<b>56 (3) (c)</b>	<p>If the request for access is refused, the notice in terms of subsection (1) (b) must state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.</p>	<p>If the request for access is refused, the notice in terms of subsection (1) (b) must state that the requester may lodge a <u>complaint to the Information Regulator</u> an application with a court against the refusal of the request, and the procedure (including the period) for lodging a <u>complaint to the Information Regulator</u> or the application.</p>
<b>57 (3) (c)</b>	<p>The notice in terms of subsection (2) must state that the requester may lodge an application with a court against the extension, and the</p>	<p>The notice in terms of subsection (2) must state that the requester may lodge a complaint to the Information Regulator or an application with a court against the</p>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	procedure (including the period) for lodging the application.	extension, and the procedure (including the period) for lodging the application.
<b>73 (3) (b)</b>	If the request is granted, the notice in terms of subsection (1) (b) must state that the third party may lodge an application with a court against the decision of the head within 30 days after notice is given, and the procedure for lodging the application; and	If the request is granted, the notice in terms of subsection (1) (b) must state that the third party may <u>lodge a complaint to the Information Regulator</u> or an application with a court against the decision of the head within 30 days after notice is given, and the procedure for <u>lodging the complaint to the Information Regulator</u> or the application; and
<b>73 (3) (c)</b>	If the request is granted, the notice in terms of subsection (1) (b) must state that the requester will be given access to the record after the expiry of the applicable period contemplated in paragraph (b), unless an application with a court is lodged within that period.	If the request is granted, the notice in terms of subsection (1) (b) must state that the requester will be given access to the record after the expiry of the applicable period contemplated in paragraph (b), unless a <u>complaint to the Information Regulator</u> or an application with a court is lodged within that period.
<b>73 (4)</b>	If the head of the private body decides in terms of subsection (1) to grant the request for access concerned, he or she must give the requester access to the record concerned after the expiry of 30 days after notice is given in terms of subsection (1) (b), unless an application with a court is lodged against the decision within that period.	If the head of the private body decides in terms of subsection (1) to grant the request for access concerned, he or she must give the requester access to the record concerned after the expiry of 30 days after notice is given in terms of subsection (1) (b), unless a <u>complaint to the Information Regulator</u> or an application with a court is lodged against the decision within that period.
<b>Part 4, Chapter 1A</b>	<b>NEW SECTIONS</b>	Chapter 1A introduces new provisions dealing with the process for lodging a complaint to the Regulator and consist of the following sections- <ul style="list-style-type: none"> <li>• 77A- Complaints;</li> <li>• 77B- Modes of complaints to Regulator;</li> <li>• 77C- Action on receipt of complaint;</li> </ul>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
		<ul style="list-style-type: none"> <li>• 77D- Regulator may decide to take no action on complaint;</li> <li>• 77E- Pre-investigation proceedings of Regulator;</li> <li>• 77F- Settlement of complaints;</li> <li>• 77G- Investigation proceedings of Regulator;</li> <li>• 77H- Assessment;</li> <li>• 77I- Information Notice;</li> <li>• 77J- Enforcement Notice; and</li> <li>• 77K- Non-compliance with Enforcement Notice.</li> </ul>
<b>78</b> <b>(Heading)</b>	Applications regarding decisions of information officers or relevant authorities of public bodies or heads of private bodies	Applications regarding decisions of information officers or relevant authorities of public bodies or heads of private bodies or <u>Regulator</u>
<b>78(1)</b>	(1) A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.	(1) A requester or third party may only apply to a court for appropriate relief in terms of section 82 in the following circumstances: <ul style="list-style-type: none"> <li>a) After that requester or third party has exhausted the internal appeal procedure referred to in section 74; or</li> <li>b) after that requester or third party has exhausted the complaints procedure referred to in section 77A.</li> </ul>
<b>78(2)</b>	A requester- <ul style="list-style-type: none"> <li>(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;</li> <li>(b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);</li> </ul>	A requester- <ul style="list-style-type: none"> <li>(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;</li> <li>(b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);</li> <li>(c) aggrieved by a decision of the information officer of a public body</li> </ul>

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
	<p>(c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1-</p> <p>i) to refuse a request for access; or</p> <p>ii) taken in terms of section 22, 26 (1) or 29 (3); or</p> <p>(d) aggrieved by a decision of the head of a private body-</p> <p>i) to refuse a request for access; or</p> <p>ii) taken in terms of section 54, 57 (1) or 60,</p> <p>may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.</p>	<p>referred to in paragraph (b) of the definition of 'public body' in section 1-</p> <p>i) to refuse a request for access; or</p> <p>ii) taken in terms of section 22, 26 (1) or 29 (3);</p> <p>(d) aggrieved by a decision of the head of a private body-</p> <p>i) to refuse a request for access; or</p> <p>ii) in terms of section 54, 57 (1) or 60; or</p> <p>(e) that is aggrieved by any decision of the Information Regulator, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.</p>
<b>78(3)</b>	<p>A third party-</p> <p>(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;</p> <p>(b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access; or</p> <p>(c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.</p>	<p>A third party—</p> <p>(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;</p> <p>(b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access; [or]</p> <p>(c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body[,]; or</p> <p>(d) that is aggrieved by any decision of the Information Regulator, may, by way of an application; within 180 days apply to a court for appropriate relief in terms of section 82.</p>
<b>78(4)</b>	None	An information officer or relevant authority of a public body or the head of a private body, as the case may be, aggrieved by a decision of the Information

SECTION	CURRENT PROVISION IN PAIA	AMENDMENTS
		Regulator in terms of section 77E (2)(b) or (c) may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.
<b>PART 5- Heading</b>	Human Rights Commission (ss 83-85)	Information Regulator (ss 83-85)
<b>83, 84 and 85</b>	Makes reference to <u>“Human Rights Commission”</u>	amendment of sections 83, 84 and 85 by substituting the words <u>“Human Rights Commission”</u> wherever they occur, with the words <u>“Information Regulator”</u>
<b>88</b>	If no provision for the correction of personal information in a record of a public or private body exists, that public or private body must take reasonable steps to establish adequate and appropriate internal measures providing for such correction until legislation providing for such correction takes effect.	<b>Repealed</b>



## 5. DETAILED ACTIONS TO BE UNDERTAKEN ON EACH OF THE PROVISIONS OF PAIA

5.1 Below table indicate provisions of PAIA, in the order of importance, that requires critical actions necessary for the successful functioning of the Information Regulator and enforcement of the Constitutional right of access to information. This plan is based on commencement of a number of remaining sections (section 110 and 114(4)) of POPIA, which has now been proclaimed by the President and will be effective on **30 June 2021**.

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>10(1)</b> Guide on how to use PAIA	Yes- partly	Update and make available the existing Guide that has been compiled by the SAHRC	Received an existing Guide prepared by SAHRC, in terms of old s10	31 March 2021	Senior Manager: Complaints and Investigations	Budgeted in 2021/22 financial year	CEO and Executive: PAIA	Members	None	Parliament
<b>14(1)</b> Manual on functions of, and index of records held by Regulator	Yes, partly	Approval of the Information Regulator's PAIA Manual	PAIA Manual drafted	30 September 2020	Executive: PAIA	Budgeted in 2021/22 financial year	CEO and Executive: PAIA	Members	None	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>14(1)</b> Manual on functions of, and index of records held by Regulator	Yes- partly	Translating the PAIA Manual to at least two (2) official languages	PAIA Manual drafted, in terms of the PAIA amendment	31 March 2021	Funds for translating the PAIA Manual to at least two (2) official languages	R100 000.00	CEO and Executive: PAIA	Members	The Pan South African Language Board (PanSALB)	Parliament
<b>14 (3)</b> PAIA manual to be made available	Yes, partly	PAIA Manual to be uploaded on the website	PAIA Manual drafted	31 March 2021	Regulator's website	Nil	CEO and Executive: PAIA	Members	Department of Justice and Correctional Services	Parliament
<b>16</b> Contact Information in telephone directory	Yes	Publication of the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of every public body in every telephone	Contact list of public bodies available	31 March 2021	Senior Manager: Compliance and Monitoring	Budgeted in 2021/22 financial year	Members	Director-General of Communications and Digital Technologies (DCDT)	Director-General of DCDT	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
		directory issued for general use by the public.								
<b>17(1)</b> Designation of deputy information officers	Yes	Designate such number of persons as Deputy Information Officer (DIO)	One (1) DIO appointed	N/A	N/A	Nil	CEO	Members	None	Parliament
<b>22</b> Prescribed request fee	Yes, partly	Template of notice to pay the prescribed request fee	None	30 November 2020	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	None	Parliament
<b>32</b> Reports to the Regulator	Yes, partly	Review of section 32 Report Form	Existing Section 32 Report Form developed by the SAHRC	31 March 2021	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	None	Parliament
		Develop a portal for the electronic submissions of	None	31 March 2022	DoJ&CD's Information Systems	Nil	CEO and Executive : PAIA	MEMBERS	DoJ&CD	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
		Section 32 Report, which will assist the Regulator to generate statistics required in terms of section 84(b) of PAIA.			Management Branch					
<b>47</b> Notice to third parties	Yes	Third party Notice-Template	None	31 March 2021	Senior Manager: Complaints and Investigations	Budgeted in 2021/22 financial year	CEO and Executive: PAIA	Members	None	Parliament
<b>48</b> Consent by third parties	Yes	Third party Consent Form-Template	None	31 March 2021	Senior Manager: Complaints and Investigations	Budgeted in 2021/22 financial year	CEO and Executive: PAIA	Members	None	Parliament
<b>51</b> Private body must compile a manual	Yes	Review the PAIA manual template	Existing PAIA Manual template developed by SAHRC	31 March 2021	Senior Manager: Complaints and Investigations	Budgeted in 2021/22 financial year	CEO and Executive: PAIA	Members	None	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>77A(1) &amp; 77B(1)</b> Complains to the Regulator	No	PAIA Complaint Form ( to be incorporated in the Regulations)	Complaint Form drafted	30 June 2021	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	DoJ&CD	Parliament
<b>77C(1)(a)</b> <i>(Action on receipt of complaint)</i>	No	Establishing Compliant and Investigation Unit	Organisational structure in place	1 July 2020 to 31 March 2024	Appointment of 4 x Senior Complaints and Investigations Officers and 6 x Complaints and Investigations Officers	To be budgeted for 2021/22 to 2023/24	CEO, Executive: Corporate Services and Executive: PAIA	Members	Parliament, National Treasury and DoJ&CD	None
<b>77C(1)(b)</b> Action on receipt of complaint	No	Establishment of Enforcement Committee	Terms of Reference (ToR) of the committee approved	31 March 2021	Funding for payment of independent members of the Committee	Refer to POPIA Readiness Plan	CEO and Members	Members	Minister of Finance, Chief Justice and DoJ&CD	Parliament
<b>77E</b> Pre- investigation proceedings of Regulator	No	Notice of intention to conduct the investigation	None	31 March 2021	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	None	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>77G(2)</b> Investigation proceedings of Regulator-Section 81 of POPIA	No	Template of Subpoena to appear and produce document to the Regulator	None	31 March 2021	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	None	Parliament
<b>77G(2)</b> Investigation proceedings of Regulator	No	Search and Seizure Warrant Template	None	31 March 2021	Senior Manager: Complaints and Investigations	Budgeted in 2021/22	CEO and Executive: PAIA	Members	None	Parliament
<b>77H(1)(a)</b> Complaint Assessment	No	Establish Compliance and Monitoring Unit	Organisational Structure in place	01 July 2020 to 30 June 2023	Appointment of Senior Manager Monitoring and Compliance Officers and Monitoring and Compliance Officers	To be budgeted for in 2021/22 to 2023/24	CEO, Executive: Corporate Services and Executive: PAIA	Members	Parliament, National Treasury and DoJ&CD	None
<b>77H(1)</b> Assessment at the request	No	Request for Assessment Form	None	31 March 2021	Senior Manager: Monitoring and Compliance	Budgeted in 2021/22	CEO and Executive: PAIA	Members	None	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>77H(1)</b> Assessment <i>(own initiative assessment)</i>	No	Assessment Notice Template	None	31 March 2021	Senior Manager: Monitoring and Compliance	Budgeted in 2021/22	CEO and Executive: PAIA	Members	None	Parliament
<b>77I(1)</b> Information Notice	No	Information Notice Template	None	31 March 2021	Senior Manager: Monitoring and Compliance	Budgeted in 2021/22	CEO and Executive: PAIA	Members	None	Parliament
<b>77J(1)</b> Enforcement Notice	No	Enforcement Notice Template	None	31 March 2021	Senior Manager: Monitoring and Compliance	Budgeted in 2021/22	CEO and Executive: PAIA	Members	None	Parliament
<b>83(2(a))</b> Additional functions of Information Regulator	Yes	Develop and conduct educational programmes	Training manual developed by the SAHRC	31 March 2022	Executive Education and Communication and Manager Public Education and Awareness	Budgeted in 2020/21	CEO and Executive: Education and Communication	Members	None	Parliament
<b>83(3(a))</b> Additional functions of Information Regulator	Yes	Training of information officers and deputy information	Training manual developed by the SAHRC	31 March 2022	Executive: Education and Communication and Manager: Public Education	Budgeted in the current financial year	CEO and Executive: Education and Communication	Members	None	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
		officers of public bodies			and Awareness					
<b>83(4)</b>	Yes- partly	Develop section 83(4) form for specific bodies not exempted by Minister	Adapt from the current section 32 Report Form	31 March 2021	Senior Manager: Monitoring and Compliance	Budgeted in 2020/21	CEO and Executive: PAIA	Members	None	Parliament
<b>REGULATIONS REQUIRED</b>										
<p>“Prescribed” is defined to mean prescribed by Regulation in terms of section 92 of PAIA. This means that whenever there is any reference to prescribed process, a Regulation may be made by the Minister, in terms of action 92(1) (a) of PAIA. The following are provisions that require new regulations.</p>										
<b>77A(1)</b>	No	Process for lodging a complaint with the Regulator	Complaint Form drafted	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament
<b>77C(1)(a)</b>	No	Investigation Process	None	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament
<b>77C(2)(a)</b>	No	Conciliation Process	None	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament

<b>PROVISION OF PAIA</b> <i>(Section that requires critical Action for the implementation of PAIA)</i>	<b>PROVISION OPERATIONAL OR NOT</b> <i>(Is the provision of the Act currently operational or not)</i>	<b>ACTION UNDERTAKEN / TO BE UNDERTAKEN</b> <i>(The Action required by the provision)</i>	<b>CURRENT STATUS</b> <i>(The current status of Action)</i>	<b>TIMEFRAME</b> <i>(Projected timeframe for completion of the Action)</i>	<b>RESOURCES REQUIRED</b> <i>(What are Resources required to complete the Action)</i>	<b>AMOUNT REQUIRED</b> <i>(Specify the amount required to execute the action)</i>	<b>RESPONSIBLE</b> <i>(Who is responsible for the Action)</i>	<b>ACCOUNTABLE</b> <i>(Who is accountable for the Action)</i>	<b>CONSULTED</b> <i>(Who should be Consulted regarding the Action)</i>	<b>INFORMED</b> <i>(Who should be informed about the Action)</i>
<b>77E</b>	No	Pre-investigation proceedings.	None	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament
<b>77F</b>	No	Settlement of complaints Process	None	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament
<b>77H</b>	No	Complaint Assessment Process	None	31 May 2021	Executive: PAIA and Senior Manager: Complaints and Investigations	Nil	DoJ&CD's Legislative Development Branch and Members	Department of Justice and Correctional Services	Members and the Public	Parliament

## 6. COSTING OF THE REQUIRED RESOURCES TO IMPLEMENT THE READINESS PLAN

Refer to the costing for organisational structure