

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

R. 221

23 April 2021

INVITATION FOR PUBLIC COMMENTS PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000): REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO INFORMATION, 2020

1. The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed draft Regulations relating to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (the draft Regulations).
2. Section 32(1) of the Constitution of the Republic of South Africa, 1996 (the Constitution) enshrines the 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. Section 32(2) of the Constitution provides that "national legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state".
3. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) was enacted in response to the above-mentioned constitutional mandate, and most of the provisions came into force in March 2001. Since its enactment, PAIA was mainly amended by, inter alia, section 110 of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA). The remaining sections of POPIA will, in accordance with Proclamation No. R.21 of 2020, come into operation on 30 June 2021.
4. The amendments to PAIA are bringing the provisions of PAIA in line with similar provisions in POPIA, which result in the fact that the Regulations already promulgated in terms of PAIA must also be brought in line with the regulations promulgated in terms of POPIA. To prevent confusion, it was deemed appropriate to repeal the existing regulations and re-promulgate it together with the proposed amendments.
5. A copy of the draft Regulations is available on the website of the Department at <http://www.justice.gov.za>
6. The comments on the draft Regulations must be submitted to Ms A Van der Walt, on or before 17 May 2021. The contact details are:
 - (a) Postal address:
The Director-General: Justice and Constitutional Development
Private Bag X 81
Pretoria
0001;
 - (b) e-mail address:
alvanderwalt@justice.gov.za
 - (c) Fax nr:
0866480963
7. Further information can be obtained from Ms A van der Walt at 012 406 4767 or Ms I Botha at 012 406 4756.