

The Promotion of Access to Information Act, 2000 (Act 2 of 2000)

Frequently Asked Questions

What is the purpose of the Act?

The purpose of the Promotion of Access to Information Act ("the PAIA") is to give effect to the constitutional right of access to any information held by the State, and to information held by another person, when such information is required for the exercise or protection of any right.

The PAIA was promulgated to foster a culture of transparency and accountability, at both public and private bodies, and to promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

What information held by the Department of Basic Education ("the DBE") can I request and have access to?

- All documentation or records held by the DBE. It does not matter when that information came into existence.
- Your personal records held by the DBE.

The above applies, not only to government departments, but to all public bodies and all private bodies.

However, PAIA does not grant unlimited access. Certain types of information cannot be made available to you, and there are certain circumstances under which you will not be able to access information. Here are a few examples:

- Third party information or records may be accessed only if such third parties grant approval for such access, especially in the case of information that was given to the DBE as confidential or private information. This means that, if you request third party information or records, the DBE will first have to ask that third party whether he, she or it gives permission for the information to be made available to you. If the third party refuses, the DBE will not be able to give you access.
- If the record is requested for the purpose of criminal or civil proceedings.
- The records of Cabinet and its committees.

What is a 'private body'?

- "(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or

(c) any former or existing juristic person".

What is a 'public body'?

- "(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- (b) any other functionary or institution when-
- (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation".

The PAIA Manual, elsewhere on this webpage, contains information about the kinds of records that you may request.

Important: the PAIA takes precedence over any Act or legislation that may prohibit you from having access to any information or that restricts your access to such information. This means that, if another Act states that you are not allowed to have access to certain information, the fact that the PAIA does allow you to have access to that information will be the deciding factor. (The PAIA will carry more weight than the other Act.)

What information held by the DBE is automatically available? (In other words, to what information can I gain access without having to fill in the application form?)

A list of such information appears elsewhere on this webpage.

Will I have to pay to access any information?

You will not need to pay for information that is automatically available.

In the case of information for which you have to apply to the Deputy Information Officer (by filling in the prescribed form), you may be required to pay certain fees (the schedule of fees appears elsewhere on this webpage). Payment is made by means of postal orders, bank-guaranteed cheques, or, if you are able to come to the DBE's head office, cash.

How do I access information?

The Director-General of any government department is the Information Officer. At the DBE, the Director-General has appointed two Deputy Information Officers to assist in the administration of the Act. The details of all three are found below.

To access information, you must fill in and submit ["Form A"](#). After you have done so, the Information Officer or the two Deputy Information Officers must help you to access whatever information or documents you need.

How long will the Information Officer or Deputy Information Officers take to respond to my request?

They must respond to your request within 30 calendar days from the day on which the request is received. If you have requested a large number of documents, or if the requested information is not in the same building as the office of the Information Officer or Deputy Information Officers, the period may be extended once, by 30 days.

What happens to my request if the information I am requesting is not held by the DBE, but by another public or private body?

The Information Officer or Deputy Information Officers must forward your request to the Information Officer or Deputy Information Officer of the relevant public or private body within 14 days from the day on which your request is received. You will be notified in such a case.

What can I do if my request for information is denied?

You have the right to appeal to the Minister by filling in and submitting **"Form B"**. If the answer that you receive from the Minister is not satisfactory, you may approach a court of law. The Information Officer or Deputy Information Officers must help and guide you through this process.

Should you need any assistance or have further questions regarding how you may access any information held by the DBE, please do not hesitate to contact the Information Officer or Deputy Information Officers (contact details below).

You may also call the South African Human Rights Commission ("the SAHRC") at 011 484 8300 or 011 877 3600, or you may find details of provincial SAHRC offices on the SAHRC's website, <http://www.sahrc.org.za/home/index.php?ipkContentID=2>.

Contact details of the DBE

Information Officer

Mr Bobby Soobrayan, Director-General

mkhwebane.z@dbe.gov.za

Deputy Information Officers

Dr Granville Whittle, Chief Director in the Office of the Director-General

whittle.g@dbe.gov.za

Mr Chris Leukes, Director: Legal Services

Leukes.c@dbe.gov.za;
Machaka.j@dbe.gov.za

General contact information

Physical address

Sol Plaatje House
222 Struben Street
Pretoria
0001

Postal address

Private Bag X895
Pretoria
0001

Telephone: +27 12 357 3000
Call Centre: 0800 202 933

Fax: +27 12 323 0601
Website: www.education.gov.za