



ATTENTION: THE MANAGER: PAIA UNIT
THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION
BRAAMPARK FORUM 3
33 HOOFTSTRAAT
BRAAMFONTEIN
2017

Per Email: section32.paia@sahrc.org.za

Dear Sir/Madam

**ANNUAL REPORT IN TERMS OF SECTION 32 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000: 1 APRIL 2020 TO 31 MARCH 2021**

1. PURPOSE

The purpose of this document is to provide the South African Human Rights Commission with an annual report in respect of the access to information requests dealt with by the City of Cape Town (the City) under the **Promotion of Access to Information Act 2 of 2000 (PAIA)**.

2. REQUESTS DEALT WITHIN THE PREVIOUS YEAR (1 APRIL 2020 TO 31 MARCH 2021)

- Section 32(a): a total of three hundred and eighteen **(318)** requests were received.
- Section 32(b): Out of total of **(318)** received requests, ninety-four **(94)** requests were granted in full.

- Section 32(c): no requests for access were granted in terms of section 46 of PAIA.¹
- Section 32(d): the number of requests for access refused in full and refused partially and the number of times each provision of this Act was relied on to refuse access in full or partial:
 - (i) **83** requests were refused in full;
 - (ii) **92** requests were refused partially;
 - (iii) Provisions of PAIA were relied upon one hundred and seventy five (**175**) times in order to refuse access either partially or in full.
- Section 32(e): the period of 30 days stipulated in section 25(1) for a request to be dealt with was extended seventy seven (**77**) times, in terms of section 26(1).²
- Section 32(f): the number of internal appeals lodged with the relevant appeal authority and the number of cases in which, as a result of an internal appeal, access was given to a record:

Sixteen (**16**) internal appeals were lodged with the relevant appeal authority:

- (i) Six (**6**) appeals were upheld in full, with the effect that the information was disclosed.
- Section 32(g): Three (**3**) internal appeals were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 of PAIA.

¹ Section 46- "Despite any other provision of this Chapter, the information officer of a public body must grant a request for access to a record of the body contemplated in section 34(1). 36(l), 37(l)(a) or (b), 38(a) or (b), 39(l)(a) or (b), 40, 41(l)(a) or (b), 42(1) or (3). 43(1) or (2), 44(1) or (2) or 45, if—

(a) the disclosure of the record would reveal evidence of—

(i) a substantial contravention of, or failure to comply with the law; or

(ii) an imminent and serious public safety or environmental risk; and

(b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question".

² Section 26(1) "The information officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25(1) (in this section referred to as the "original period") once for a further period of not more than 30 days..."

- Section 32(h): Four **(4)** applications to court were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77(7).³
- Section 32(i): no other matters as may be prescribed by PAIA were dealt with by the City.

Kindly note that, as at the writing of this report, only **6** matters remain in process out of the **318** matters that were received during this period. All pending matters remains within the statutory period as at the writing of this report.

I trust the above is in order.

Yours faithfully

MR. LUNGELO MBANDAZAYO
(INFORMATION OFFICER IN TERMS OF SECTION 1 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2 OF 2000)
DATE:

³ Section 77(7) If the relevant authority fails to give notice of the decision on an internal appeal to the appellant within the period contemplated in subsection (3), that authority is, for the purposes of this Act, regarded as having dismissed the internal appeal.