

1 Boast Road
Eshowe 3815
2 January 2015

Kayum Ahmed,
CEO, SAHRC and PAIA Unit superintendent
Private Bag X2700
Houghton 2041

Dear Mr Ahmed

LASA'S PERSISTENT ILLEGAL REFUSAL TO COMPLY WITH PAIA

I enclose:

- (i) a copy of my recent letter to Legal Aid SA's Board Secretary Langa Lethiba;
- (ii) the papers in three application to compel LASA's compliance with the Promotion of Access to Information Act 2 of 2000; and
- (iii) my request for a pre-trial conference in the magistrate's chambers at which LASA will be directed to identify on what basis my applications are being opposed. (All documents archived for easy access at www.tig.org.za/LC/PAIA.)

As you'll see from these, LASA continues illegally refusing to comply with PAIA. This has been going on since 2010; and my repeated complaints and appeals to the Commission for its assistance, and the Commission's repeated interventions – namely, reporting LASA to Parliament as non-compliant with PAIA, holding a special PAIA training workshop for it, and conducting a PAIA audit – have made no zero difference.

After noting that LASA's Corporate Services attorneys were found to be ignorant of the provisions and operation of PAIA, the Commission recorded in its report of the PAIA training workshop that they had


undertaken to review decisions which may not have had justification in terms of PAIA and to create guidelines within the organisation to ensure misapplication does not recur. ... LASA has identified the need to have a clear budget dedicated to PAIA compliance and implementation.

All these turned out to be empty promises. Year after year, a major public entity brazenly flouts a crucial piece of legislation foundational to our democracy, enacted, per the Preamble,

To give effect to the constitutional right of access to any information held by the State ... In order to ... foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information [and] actively 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 of their rights. [And thus counteract the] secretive and unresponsive culture in public ... bodies [characteristic of] the system of government in South Africa before 27 April 1994 [i.e. the apartheid regime] which often led to an abuse of power and human rights violations.

Having regard to the Commission's statutory responsibility under section 83(3)(b) of PAIA to 'monitor the implementation of this Act' and under subsection (c) 'if reasonably possible, on request, assist any person wishing to exercise a right contemplated in this Act', I write to enquire what the Commission proposes urgently doing about this.

Yours sincerely



ADV ANTHONY BRINK
arbrink@iafrica.com

Cc:

Dr Mathole Motshekga MP, Chairperson of the Portfolio Committee on Justice and Correctional Services

Adv Richard Sizani, Chairperson of the Public Services Commission

Sinthia Reddy, Public Protector investigator (ref: 7/2-040815/12)

LASA Board Secretary Langa Lethiba; CEO Vidhu Vedalankar; COO Jerry Makokoane; NOE Brian Nair; CLE Patrick Hundermark; and CSE Thembile Mtati.