

1 Boast Street
Eshowe
KwaZulu-Natal
30 October 2015

Kista Candasamy
Director: PAIA Unit, SAHRC
33 Hoofd Street
Braampark Forum
Braamfontein

Per email: kcandasamy@sahrc.org.za

Dear Ms Candasamy

YOUR INTERVENTION IN LASA'S ILLEGAL REFUSAL OF MY PAIA REQUESTS

Thanks for your email of the 20th confirming your earlier information on the 12th that 'the PAIA Unit is in the process of engaging with Legal Aid South Africa (LASA) in respect of this updated version of your complaint' – hand-delivered on 31 July, after the Post Office courier service failed to deliver the original, updated with my news on 6 August that I'd sued to compel LASA DIO Brian Nair's compliance with my PAIA request addressed to him in November last year.

I apologize for not responding sooner: I was hands-full drawing and delivering my replying affidavit in the Nair application, after which I had to get an important letter off to LASA CSE Mtati.

Pursuant to your engagement with LASA under section 83(d) of PAIA to 'recommend a ... public body make such changes in the manner in which it administers the Act as the Commission deems advisable' (it needs changing) and '(e) train information officers and deputy information officers of public bodies' (they need training), for doing which I thank you, please tell me what LASA's response was to your expert official advice given it under the Act that:

1. no reading fees are payable under the Act;
2. no search fees may be charged under the Act for records refused;
3. LASA's money demands have been incompetent and illegal; and,

4. Vedalankar's several grounds advanced on 26 May 2015 for refusing my PAIA requests addressed to Hundermark (2 requests) and Makokoane in November 2014, and my PAIA request addressed to her in March 2005 are incompetent and her refusals are illegal, contravene PAIA, and violate my fundamental right to information guaranteed by section 32 of the Constitution.

I need to know, because if LASA has rejected, explicitly or by dishonest dilatory vacillation, your due engagement under section 83(d) of PAIA to 'recommend a ... public body make such changes in the manner in which it administers the Act as the Commission deems advisable', to wit, by starting to comply with it at last, and '(e) train information officers and deputy information officers of public bodies' in how to apply the Act, since at LASA they evidently still don't know how to, despite the Commission's unsuccessful, failed special remedial lesson on the implementation of PAIA delivered on 6 November 2012, at which, its report afterwards records, (i) LASA's head office staff repeatedly confessed they were entirely clueless, (ii) undertook to 'review decisions which may not have had justification in terms of PAIA and to create guidelines within the organization to ensure misapplication does not recur', and (iii) 'identified the need to have a clear budget dedicated to PAIA compliance and implementation which will allow internal interventions like training and the provision of increased accessibility of information to be addressed' (none of this was done: they had no such intentions and were just faking it), my 180 days allowed me to sue to compel will soon be running out: around 26 November.

Please bear in mind that LASA's several undertakings to comply with my PAIA requests and to surrender duly requested documents over the years have proved worthless.

- It began with CLE Hundermark's emailed undertaking to the Commission to comply with my August 2010 request, which had been illegally ignored and implicitly refused. My whole request was then expressly illegally refused under cover of a false made-up quotation from a reported judgment claimed to justify it, and other obviously spurious reasons, later tacitly abandoned.
- Nair falsely assured the Justice Portfolio Committee in June 2011, in report he admitted at trial of my labour case having ghost-written (eventually, after this was initially dishonestly disputed), assuring the Committee that my illegally refused record requests, about which I'd complained to the Committee, would be complied with. They weren't.
- After endless let-downs, LASA formally agreed, on the record and before a judge, at the first pre-trial conference at court in January 2013 in my labour case to surrender the documents listed in my agenda that I needed for trial, then reneged on this minuted undertaking with

the unbelievably stupid and dishonest story that ‘we do not wish to burden the record with any further documents’; and I had to convene a second judicially supervised conference on the eve of trial to force most of them out.

So as you see, LASA has a history of repeatedly reneging on its recorded undertakings to deliver documents when they threaten to expose the corruption in its head office.

But if you can get LASA to concede and comply with my PAIA requests, (i) I want the documents by email as specified in my requests, not hard copies, and (ii) they can be furnished in dribs and drabs, not necessarily in one go.

Please report to me the outcome of your said engagement with LASA by letter, so I can annex it to my application papers for the court’s information in the event that I need to compel. I need the documents inter alia to present to the Constitutional Court where my case is heading on review and appeal.

I’ll be away next week, so look forward to your report on my return on 9 November.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Anthony Brink', written in a cursive style.

ANTHONY BRINK
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