

INTRODUCTION

A description of access to information that best encompasses the motivation behind the South African constitutional right of access to information and the legislation that gives effect to this right is that “access to information is critical for enabling citizens to exercise their voice, to effectively monitor and hold government to account, and to enter into informed dialogue about decisions which affect their lives. It is seen as vital for empowering all citizens, including vulnerable and excluded people, to claim their broader rights and entitlements. But the potential contribution to good governance of access to information lies in both the willingness of government to be transparent, as well as the ability of citizens to demand and use information”.¹

The Truth and Reconciliation Committee of South Africa Report highlighted enforced secrecy and the control of information as having been central to the anti-democratic character of the apartheid regime.² It is because of these reasons that many individuals and organisations campaigned for a right of access to information to be included in the Bill of Rights of the Constitution that was being drafted. The understanding was that never again would an atrocities like Apartheid occur “as the state and private corporations would be obliged to act in an accountable and transparent manner by providing access to information, and therefore would be obliged to act in an accountable and transparent manner by providing access to information, and therefore would be unable to hide behind the veil of secrecy which created the conditions under which Apartheid took place”.³ In addition, others like McKinley further viewed public access to information as the life blood of any meaningful participation without which not only the affirmation but more concretely the realisation of all other rights would be fundamentally compromised.⁴ McKinley’s view is supported and reinforced by the Access to Information who also recognise that the right of access to information is fundamental to the protection of other constitutional rights. The Network acknowledges that “the right to basic education, the right to a clean and safe environment, and the proper functioning of democratic institutions may be compromised when members of the public and media are unable to access information that would enable more effective monitoring of state organs and private institutions, and the holding of those in power to account”.⁵

The difference in the names of the legislation governing the apartheid and democratic eras couldn’t be starker in their description, one the Protection of Information Act 84 of 1982 and the other the Promotion of Access to Information Act 2 of 2000. The former was obviously meant to protect information held by the State while the latter aims to promote access to information. The Promotion of Access to Information Act, hereinafter PAIA, went a step further by not only giving this right of access to information held by the State but also “any information held by another person and that is required for the exercise or protection of any rights”.⁶

While the extension of the right of access to information in South Africa extends to both the public and private spheres is laudable and ground-breaking, the practicalities of exercising this right have proved very challenging.

¹ Haider, H et al, (2011), Access to information and its constraints, Topic Guide Communication and governance

² Truth and Reconciliation Committee of South Africa (1998a, Report. Vol 2, Chapter 2, Cape Town: paras 10-19

³ 2014 SAHRC Guide on How to Use PAIA

⁴ McKinley, D. T. (2003) *The State of Access to Information in South Africa*. Prepared for the Centre for the Study of Violence and Reconciliation

⁵ 2019 Access to Information Network Shadow Report

⁶ Constitution of the Republic of South Africa, 1996

This report seeks to assess the state of access to information in the country and highlight ills that may afflict the exercise of such right, if any, with a view to making recommendations about curing the said ills. Lastly, the report also seeks to highlight the opportunities presented by the state of access to information that may offer ways and means of enhancing the access to information experience of individuals and organisations seeking to exercise it.

OVERVIEW OF THE LEGISLATIVE AND POLICY ENVIRONMENT

On 1 October 1995, a group of experts met, discussed and debated, then adopted broad standards setting out the balance to be struck between the right to information and national security. These standards became known as the Johannesburg Principles.⁷ The principles were followed by the approval of the South African Constitution which was approved by the Constitutional Court on the 4 December 1996 and came into effect on 4 February 1997.

The South African Constitution was founded on the values of accountability, responsiveness and openness.⁸ Section 32 thereof enshrined that everyone had 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. This section made the South African Constitution the first in the world to extend access to information held by private bodies in addition to public ones.⁹ The same section then implored the passing of legislation to give effect to this right which was done and became known as the Promotion of Access to Information Act 2 of 2000 (PAIA). PAIA came into effect on the 9 March 2001, making it the first country on the continent with access to information legislation.¹⁰

PAIA's objectives are as follows:

- (a) To promote transparency, accountability and effective governance of all public and private bodies
- (b) To assist members of the public to effectively scrutinize and participate in decision-making by public bodies
- (c) To ensure that the state promotes a human rights culture and social justice
- (d) To encourage openness
- (e) To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner.¹¹

In terms of Section 32 of PAIA, all public bodies must prepare and submit a report to the South African Human Rights Commission, hereinafter SAHRC, from 1 April to March 31 of every year.¹² Any public bodies that do not comply with PAIA have to be submitted to the National Assembly of Parliament in terms of section 84 of PAIA.¹³ In addition, every public body must submit to the

⁷ Briefing Paper, Understanding the Global Principles on National Security and the Right to Information, Open Society initiative

⁸ Section 1(d) Constitution of the Republic of South Africa, 1996

⁹ 2014 SAHRC Guide on How to Use PAIA

¹⁰ Ojo, E. Freedom of Information: Current Status, Challenges and Implications for News Media.

¹¹ Understanding the Promotion of Access to Information Act 2 of 2000, www.sahrc.org.za

¹² Promotion of Access to Information Act 2 of 2000, hereinafter PAIA

¹³ PAIA

SAHRC an information manual in 3 (three) official languages detailing information on how to request information from the public body concerned in terms of s14.¹⁴

Furthermore, PAIA gives a requester the right to lodge an information request with the information officer of a private body.¹⁵ In terms of section 51 private institutions must submit an information manual to the SAHRC within 6 (six) months of being established.¹⁶ However, certain private bodies are exempted from submitting manuals until 31 December 2020.¹⁷

In 2013 the Protection of Personal Information Act 4 of 2013 came into being, hereinafter known as POPI and was signed into law. According to Peter Grealy et al, while the operational provisions came into force on 1 July 2020, there is a grace period until the 30 June 2021 to comply.¹⁸ The aim of POPI is to control the processing of personal information by public and private bodies.¹⁹ Processing includes the collection, usage, storage, distribution, modification or destruction of such information.²⁰

POPI establishes an independent Information Regulator, hereafter the IR, accountable to the National Assembly of Parliament.²¹ The Information Regulator is tasked with receiving complaints from both requesters and third parties in terms of PAIA and will have powers to investigate complaints about non-compliance with both POPI and PAIA.²² All powers and responsibilities currently performed by the SAHRC in terms of PAIA will be taken over by the IR once established.²³

In addition to the advent of POPI another internationally significant development on the right of access to information with a South African connection was the establishment of the Global Principles on National Security and the Right to Information (“The Tshwane Principles”). The broad nature of the Johannesburg Principles proved inadequate in guiding the striking of the necessary balance between ensuring the public’s access to government information without jeopardising legitimate government efforts to protect the same public from security threats. Over the 18 (eighteen year period since the Johannesburg Principles were established the world situation had evolved substantially on the security front, fuelled by terrorism concerns. Thus, more detailed guidance had become necessary and such guidance came in the form of the Tshwane Principles which added the proverbial meat to the Johannesburg Principles’ bones.

The Political Party Funding Act 6 of 2018, hereinafter the PPFA, was enacted pursuant to certain provisions within PAIA were found to be unconstitutional in the matter of My Vote Counts NPC v Min of Justice and Correctional Services and Another, hereinafter My Vote Counts.²⁴ This piece of legislation aims to complement PAIA and its access to information mandate in that it is supposed to regulate the recording, preservation and disclosure of the funding records of political parties on an ongoing basis.²⁵

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Grealy, P. (2020) POPIA unpacked: What you need to know

¹⁹ Preamble to the Protection of Personal Information Act 4 of 2013 hereinafter called POPI

²⁰ POPI

²¹ Ibid

²² Ibid

²³ Ibid

²⁴ My Vote Counts NPC v Minister of Justice and Correctional Services and Another (CCT249/17) [2018] ZACC 17; 2018 (8) BCLR 893 (CC); 2018 (5) SA 380 (CC) (21 June 2018)

²⁵ The Political Party Funding Act 6 of 2018 hereinafter PPFA

The last piece of legislation which will impact on access to information upon being enacted and coming into operation is the Cybercrimes Bill. The Bill is awaiting the President's signature to come into law. Once it becomes law the following provisions will impact on the right to access information and are thus worth highlighting:

- (i) the criminalisation of the distribution of harmful data messages and the provision for interim protection orders. Some of the messages covered by the Bill are those that cause damage to property or violence, that threaten individuals with damage to property or violence and those that unlawfully contain intimate images.
- (ii) the imposition of obligations on electronic communications service providers and financial institutions to assist in the investigation of cybercrimes

These 4 (four) pieces of legislation, once they are all operational will govern access to information in South Africa.

Following in the wake of the legislation on access to information was jurisprudence which further developed the law in this area of access to information. A key judgement by the Constitutional Court in *President of the Republic of South Africa and Others v M & G Media Ltd*, confirmed that in the South African jurisprudence the disclosure of information is the rule and exemption from disclosure is the exception.²⁶ Another key judgement was that of *Manuel v Sahara Computers (Pty) Ltd and Another* which clarified that in terms of PAIA it was sufficient for a requester to merely demonstrate that information was reasonably required for the exercise of the right of access to information by a private body.²⁷ Lastly, regulations were amended to allow PAIA challenges to be heard in the magistrate's²⁸ court rather than the High Court which works out less costly for litigants.

KEY CHALLENGES OF ACCESS TO INFORMATION IN SOUTH AFRICA

Arguably the biggest obstacle to the exercise of access to information is lack of education and awareness about both its existence and what it seeks to do. The South African Human Rights Commission, hereinafter the SAHRC, the current custodian of PAIA, lamented in its 2018/2019 PAIA Annual Report that “where public bodies remain ignorant of the PAIA almost two decades after its promulgation, it is of little surprise that compliance levels remain unacceptably low”.²⁹ Furthermore, the same report highlights the fact that some public bodies even seem unaware of their statuses as such.³⁰ Given this state of affairs in public bodies one can imagine what the levels of awareness are like amongst the general population. If the citizenry is unaware it stands to reason that they will not seek to exercise this right.

Another major obstacle to the right of access to information is the limitation in PAIA to records and not information in general as per the South African Constitution. S32 of the Constitution specifies that access must be had to “any” information held by the state and in private hands. This

²⁶ *President of the Republic of South Africa and Others v M & G Media Ltd* 2012 (2) SA 50 (CC)

²⁷ *Manuel v Sahara Computers (Pty) Ltd and Another* (38562/2017 [2018] ZAGPPHC 864; [2019] 2 All SA 417 (GP); 2020 (2) SA 269 (GP) (12 December 2018)

²⁸ Van Zyl, A. 26 September 2020 The full story: Court orders municipality to provide documents on dodgy deal

²⁹ South African Human Rights Commission Promotion of Access to Information Act (PAIA) Annual Report 2018/2019

³⁰ *Ibid*

limitation to records by implication excludes other types of information that is not contained in records. The United Nations declares documents to be records when they provide evidence of actions or decisions,³¹ while the Merriam-Webster dictionary describes information as ‘knowledge obtained from investigation, study or instruction, intelligence, news, facts or data.’³² While records are packaged and should thus be easier to process, one can safely assume that there is a lot more information that could be needed by the citizenry for purposes of access to information.

Ignoring access to information requests is a sizeable impediment to access to information. So much so that it made it to the highlights of the SAHRC PAIA Annual Report. The Access to Information Network’s Shadow Report 2019 on the state of access to information in South Africa confirmed that 66% of all requests made to municipalities or local government were ignored completely.³³ Part of the reason why it is a considerable obstacle is that time and funds have to be employed to pursue the refusals with an internal appeal if the request was to a public body or litigation if it was either to a public or private body. Public or private bodies, as opposed to journalists and ordinary citizens, have deep pockets to drag disputes out should they so wish from the lower courts right through to the Constitutional Court at great, unrecoverable legal fees.

One of the publications that found themselves facing this stumbling block was the Zoutnet group of newspapers, community newspapers Limpopo Mirror and the Zoutpansberger. They had made a number of requests of access to information which were ignored. However, when their request for access to information regarding a public tender wherein bids were not awarded to the highest bidders in the sale of a public park were ignored by the Makhado Municipality, they decided to use PAIA as a test case. Their luck changed when the magistrate ruled that the Zoutpan group had complied with the provisions of PAIA and had to be given access to the documents requested. The owner/editor of the Zoutpan group, Anton van Zyl highlighted a further complication with requests being ignored by public and private bodies, “as journalists information is our lifeblood and not being able to access certain information impacts on our ability to present news in context and in a balanced manner as per our Press Code.”³⁴ Corruption, State Capture and irregular expenditure is at the heart of South Africa’s current landscape and is estimated to have cost the country R1.5 trillion, thus wiping out a third of South Africa’s R4.9 trillion gross domestic product.³⁵ The losses as outlined led to the establishment of the State Capture Commission, also known as the Zondo Commission, to investigate matters of public and natural interest concerning allegations of state capture, corruption and fraud.³⁶

A complicated application process is another obstacle to access to information in South Africa. One must currently submit PAIA requests in a particular format thus formalising the process to be complied with just for one’s request to be considered. With a citizenry that needs the service but may not have access to the technology to enable them to comply, a substantial number are excluded in a typical form-over-substance scenario. There are too many people that stand to gain for the exercise of this right that this requirement is not only unfair but excluded a substantial number of those who may most need it. PAIA’s section 18(3) makes provision for oral requests should the requester either be illiterate or disabled wherein the information officer is then requested produce the oral request in the prescribed form and provide a copy to the requester.

³¹ United Nations Archives and Records management Section: Records and Information Management Guidance 1

³² “Information.” Merriam-Webster.com. 2011. <https://www.merriam-webster.com> (1 December 2020)

³³ 2019 Access to Information Network Shadow Report

³⁴ A. Van Zyl, Personal communication, 3 December 2020

³⁵ Merten, M. Cost of State Capture, 1 march 2019

³⁶ Proclamation No 3 of 2018: Terms of Reference of the Judicial Commission of Inquiry to Inquire into the Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State

Sometimes information officers respond to requests in an unclear manner that leave requesters guessing about the next steps to be taken, thus slowing the process down.

The often repeated limitations of the current custodian of PAIA, the SAHRC, is that it is lacking in the enforcement and penalty powers that the Information Regulator will possess. So the SAHRC was sent into the access to information fray somewhat lacking in the bite that's needed to keep errant Information Officers in line. As a result requests are ignored, delays are occasioned on flimsy reasons as public and private bodies are aware of the SAHRC enforcement limitations.

The other limitation to the exercise of access to information is the inadequate funding of the SAHRC's to discharge its PAIA mandate. This was acknowledged by the SAHRC's PAIA Annual Report which pointed out to the impact that "reduced resource availability" had on some of their operations. McKinley had also noted this limitation and said that the crucial functions of the SAHRC were unfortunately made dependent on the "fiscal goodwill of the government thus undermining their independence."³⁷ This dearth of adequate funding also inadvertently served to discourage compliance as public and private bodies were aware of the limitations lack of funding placed on the SAHRC.

A key ground in PAIA for refusing a request for access to information is "mandatory protection of commercial information".³⁸ This ground is broad and one can imagine how this broad framing can be used as a smokescreen to refuse countless requests for information.

PAIA lacks the guidelines to distinguish between mandatory and optional grounds for refusal as outlined in sections 36 and 64 respectively, thus leaving wide discretion for information officers to interpret requests in a manner that best suits them and their institutions' purposes.³⁹

Section 12 (a) of PAIA does not apply to Cabinet records and those of its committees. This excludes critical information that forms the basis of legislative and administrative action by government from the public. Unfortunately, even if PAIA allowed access, one seriously doubts whether the default culture of bureaucratic secrecy would allow for the public to scrutinize records particularly at that level of government.

The key mandatory disclosure of information offered by PAIA in sections 46 and 70, public interest, is narrow in the sense that it only applies to records that would reveal evidence of illegal acts and/or "serious public safety or environmental risk."⁴⁰ The absence of guidelines on the meaning of public interest leave it once again to be interpreted.

Given the shortcomings and limitations of the SAHRC, the lack of certainty for the date of the handover of the PAIA function from the SAHRC to the Information Regulator maintains the negatively impacted function which is not in the interests of access to information. Furthermore, the continued absence of a dedicated, fit-for-purpose entity with enforcement teeth serves to discourage compliance by public and private bodies. Lastly, maintenance of this function may also inadvertently negatively impact on overall ability of the SAHRC to discharge its mandate promote and protect human rights in the country.

³⁷ McKinley, D. T. (2003) *The State of Access to Information in South Africa*. Prepared for the Centre for the Study of Violence and Reconciliation

³⁸ PAIA

³⁹ Ibid

⁴⁰ Ibid

Persistent non-compliance of PAIA has also had a chilling effect on the use of the processes offered by legislation as indicated by the Access to Information Network.⁴¹ This concern was prompted by a 53% decline in the number of new applications between the 1 June 2017 and 31 July 2018. In the previous period 408 applications had been lodged as compared to the 191 applications lodged the following year. The decline was said to be caused by discouraged organisations lodging substantially less applications in the interests of conserving limited time and resources.

RECOMMENDATIONS

There are a number of steps that can be taken to remedy some of the defects outlined as obstacles to the efficient operation of PAIA.

- (i) While various stakeholders in the right to information have at different times pointed out the various ills of PAIA in particular it has not been on a systematic basis. Thus if a solid foundation is to be laid a comprehensive national audit of the implementation of the right to information. This would be timely and will provide the most up to date information after over two decades of PAIA implementation. It would also highlight opportunities for harmonisation with the other pieces of legislation that were enacted after PAIA and that impact on the right to information. This audit role would be best carried out by the Information Regulator with South African Human Rights Commission backing as part of the handover process.
- (ii) The single most urgent step is no doubt the operationalisation of the Information Regulator, which empowers the IR to investigate PAIA non-compliance and issues fines and penalties to compel compliance. Revelations emanating from the State Capture Commission, continuing and increasing irregular expenditure in the municipalities per the Auditor General's Report,⁴² make this switchover not only urgent but imperative too. The enforcement powers that the IR will bring will reduce the necessity for resorting to litigation to enforce access to information. It would also free the Human Rights Commission to discharge its main mandate and better support the Information Regulator in its PAIA function with over 2 (two) decades of experience in the same role.
- (iii) Legislative reform is the next major step to be taken in improving both PAIA and its operational efficiencies. The South African Human Rights Commission and various other stakeholders like civil society organisations and the courts have noted the various shortcomings of PAIA in its current form. The practical experiences of over 20 years have given these stakeholders sufficient time not only to note the areas needing reform but to refine their suggestions and proposals as well. Some of the more pressing areas over the years are the consistently low levels of compliance by constitutional Chapter 9 and 10 bodies like the Public Protector's Office, which are seized with the responsibility of supporting democracy. It has been proposed that for them in particular, wilful failure to comply with reporting requirements under PAIA should be made an offence. Further proposal point to the need to expand the public interest override provision to apply to all grounds for refusal and most importantly the term public interest should not be left to interpretation but should be given a clear and comprehensive definition. Another key area needing amendment is the one needing amendment is the harmonisation of the

⁴¹ ATI statement: Civil society organisations gravely concerned with the chilling effect of persistent PAIA non-compliance-27 September 2019

⁴² Auditor-General South Africa Integrated Annual Report 2020

constitutional right “any” information as opposed to the legislative access to records. In a country like South Africa there is a substantial amount of information that is not recorded but is crucial. Oral history of various events in South Africa would unfortunately continue to be excluded.

- (iv) While this particular step can rightly be seen to fall under legislative reform, it is sufficiently important because of its impact to warrant being highlighted on its own is the simplification of what is considered a cumbersome process for making PAIA requests. Substance over form rather than the other way round should be preferable and made explicitly so in PAIA. This is too important a right with important implications for the enjoyment of other rights for it to be needlessly sacrificed at the altar of simply how a request for information looks and sounds.
- (v) The issue of issuing strong penalties for frustrating the PAIA process is another recommendation that is crucial. This recommendation is as a result of requesters experiencing. Information Officers either handling the request in bad faith or being bent on constantly creating obstacles to genuine requests for information. PAIA is regarded as not only one of the advanced but one of the most progressive pieces of legislation in the world.

The whims of individual Information Officers cannot be allowed to trump achievement of the all-important objectives of promoting transparency, accountability and effective governance of all public and private bodies. The seriousness of the penalties issued will be reflective of the esteem in which the achievement of those objectives is held for those bent of either delaying without good reason or frustrating the process.

- (vi) Simplification of processes should be followed to the extent that it is possible by simplification of the language. Use of non-legalese language and terminology would go a long way in encouraging reading up on and interacting with PAIA to access the right to information.
- (vii) At the same time as the other key steps are in progress the need to build the capacity of public bodies to respond appropriately to PAIA requests should be undertaken. As successive SAHRC and Access to Information Network Reports have shown the capacity of public bodies to respond in time to requests, make the proper judgement calls regarding classification of the type of record being requested as well as adequately dealing with providing the record needed is lacking. This slows down the process needlessly and resolution of such delays would go a long way in counteracting the chilling effect of perceived wasted time and resources lamented by the Access to Information Network.

Part of the capacity building from which the private sector should gain is by investing in the important but often overlooked element of proper management of records. A proper filing system, outlining what records public and private entities have in their possession with knowledge of how to extract records from it in the most efficient manner will greatly reduce the time and energy spent responding to PAIA requests. Both information holders and rights holders will no doubt gain from this investment in proper management of records.

- (viii) Equally impactful in line with increased capacity in public and private bodies will be updating the PAIA manuals as well as the contact details of PAIA Information Officers and making them easily accessible. The impact of such updating on efficiency cannot be overemphasised as requests and communication will be directed at the right individuals. Information Officers are expected, as per the normal course of events to change roles and jobs while some changes in personnel will be forced by deaths because of the pandemic. Thus having the right contact details of the right person increases the likelihood of the right response with the correct information within a reasonable time.
- (ix) The next crucial step to take is a massive awareness drive to inform both information holders and rights holders of the right of access to information and their roles in it through PAIA. PAIA has been in operation for over 20 (twenty) years and the level of knowledge over that period has been found to have been low. This would be the chance to remedy this situation and bring on board a new generation of citizens who are not familiar with both the history and availability of what PAIA has to offer and would not on their own just either know or read about it. Crucial in this massive awareness and education drive should be the creation of pamphlets and brochures in simple languages of the different language groups to cement the work that would be done through other media. Ojo points out that the language used in these texts should neither be excessively legalistic or technical and that simplified and abridged versions of PAIA should be produced.⁴³
- (x) A revamped, fit for purpose PAIA with teeth stands to not only benefit the public but the Fourth Estate as well. This is the reason Ojo sees the media as not just being part of an awareness raising exercise but being absolutely central to it. He asserts that “the greatest prospect for ensuring widespread public awareness and understanding of freedom of information rests with the media”.⁴⁴ He thus sees the media’s role as not just being to raise awareness but also to engender understanding of PAIA in all its facets amongst members of the public, government and the media itself. Ojo then concludes by expressing a belief that “with consistent, repeated, rigorous and in-depth reporting of the laws and their usage, the media can ensure better awareness and understanding of freedom of information laws.”⁴⁵

⁴³ Ojo, E. Freedom of Information: Current Status, Challenges and Implications for News Media.

⁴⁴ Ibid

⁴⁵ ibid

CONCLUSION

The time is ripe for the carrying out of the recommendations that have been comprehensively set out herein. The recommendations are the collective work of various stakeholders who have observed, worked and experienced the advent and implementation of one of the most ground breaking pieces of right to information legislation not only in Africa but in the world.

As a result, the world not only has an interest but stands to gain from how the next phase of this process proceeds. Thus, from the minutiae of defining what certain terms mean and the correct contact details of Information Officers to the major impact areas of aligning the full “any” information as per the Constitution to the “records” as appears in PAIA.

The jurisprudence on the right to information is still developing and this will also provide fertile ground for other jurisdictions to continue to learn from either the mistakes or the wisdom that emanates from our courts. As indicated, the right to information is one of the glues that link various rights and it will be interesting to see the interconnectedness, indivisibility and reinforcing nature of the various generations of civil, political and socio-economic rights play out in court decisions.

Collaboration will be key going forward in the context of dwindled funding for civil society organisations. It is for this reason that the Shadow Report and Press Release outputs of the Access to Information Network is important and exemplary to tackling the right to information not in silos but collaboratively. One is sure that wonderful work could still be done and does occur by individual members of the Network but what the organisations do in concert is eminently more impactful. The diversity of the organisations and their mandates, from the AmaBhungane Centre for Investigative Journalism, through to the Centre for Environmental Rights right up to the South African History Archive all bring varied interests and approaches to the work woven around the right to information.

After the pandemic which has so ravaged every part of the world and played havoc with jobs and country’s economies the issue of costs in exercising the right to information should constantly be borne in mind in the pursuit of the right to information. We should not, as is partly the case at the moment that the financially capable should be the ones that enjoy this right the most to the detriment of the others. Thus from the fees payable to get the information released, which are understandable to courts which issue inexplicable punitive costs orders against litigants who are not involved in silly vexatious litigation it should be a constant reminder that this is a right for all.



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