



# SUMMARY REPORT

A Public Opinion Survey on Awareness about the Right of  
Access to Information as it relates to the Promotion of Access to  
Information Act 2 of 2000



**INFORMATION  
REGULATOR**  
(SOUTH AFRICA)



[www.inforegulator.org.za](http://www.inforegulator.org.za)

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March 2023

A Public Opinion Survey on Awareness about  
the Right of Access to Information as it relates to the Promotion of  
Access to Information Act 2 of 2000<sup>1</sup>

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<sup>1</sup> Undertaken on behalf of the Information Regulator by the Developmental, Capable and Ethical State (DCES) research division of the Human Sciences Research Council (HSRC).

## 1. INTRODUCTION AND BACKGROUND

The transition to a democratic South Africa resulted in a transforming country which boasts a unique human rights and transformative constitutional framework. Enshrined in Section 32 of the Constitution is the right of access to information, which extends to both public and private bodies. Section 32(1) provides that “everyone has 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”. The Promotion of Access to Information Act, 2 of 2000 (PAIA) gives effect to the right of access to information through provision of mechanisms for requesting access to information held by both public and private bodies.

The establishment of the Information Regulator (Regulator) in 2016 necessitated certain changes, including moving the PAIA promotion, monitoring and enforcement mandate from the SA Human Rights Commission (SAHRC) to the Regulator in 2021. Such a move meant that PAIA became the Regulator’s full responsibility, including ensuring that sufficient and relevant awareness around the legislation is raised with both the public and private bodies, and the public at large.

Since the adoption of PAIA in the year 2000 and its coming into force in 2001, there have been several attempts to assess its effectiveness in promoting the right of access to information and the legislation’s ability to actually work in favour of the public in exercising their rights. Although the Regulator could, to a certain degree, learn from outcomes emanating from these studies, such lessons can only be limited as they were not tailor-made to inform the Regulator’s strategies for promoting the right of access to information.

## 2. STUDY PURPOSE AND RESEARCH OBJECTIVES

The purpose of the study was to assess the broader public’s understanding of their right of access to information, the process of exercising their rights and to ascertain the public knowledge of the Regulator’s role in the promotion of the right of access to information. Findings from this study will assist the Regulator to assess its impact in promoting right of access to information and identify gaps in its advocacy and awareness programmes. It will further inform the intensification of the organisational strategy in realising its mandate of monitoring compliance and implementation of PAIA provisions.

With this purpose in mind the **specific objectives** of the study included –

- a) To provide the South African context for the promotion of the right of access to information (as set out in PAIA);
- b) To unpack the principles surrounding (and importance of) public awareness programmes in promoting the right.
- c) Determine the levels of awareness among the public<sup>2</sup> of their right of access to information and of the role of the Regulator in educating the public about their rights as set out in PAIA.
- d) Uncover barriers that limit and hinder full realisation of the right of access to information for all.
- e) Provide strategic recommendations on raising awareness of PAIA and effective ways to educate the public concerning how to exercise their right of access to information.

In response to these study objectives, the **main research questions** are as follows –

- a) What is the historical context (enactment and implementation) of PAIA and the right to access information in South Africa?
- b) What are the principles surrounding (and value thereof) awareness programmes towards educating the public about their rights of access to information?

<sup>2</sup> Amongst the sample population surveyed.

- c) What is the level of awareness about the right of access to information and/or PAIA as an enabling tool for realisation of the right?
  - d) What is the public's<sup>3</sup> understanding of their right of access to information, means of exercising and assertion of such rights?
  - e) What are the barriers hindering full realisation of rights of access to information for all?
  - f) What recommendations could be implemented by the Information Regulator towards improving the effectiveness of awareness programmes in promoting the right of access to information in South Africa (through implementing PAIA imperative as stipulated in section 83(2)(a) and (b))?
- The study design, protocols, questionnaire, and other relevant materials were reviewed and approved by the HSRC Research Ethics Committee.

### 3. SURVEY SAMPLE

- A non-probability, convenience (also 'accidental or haphazard') sampling approach was used in this study.
- The study population ('respondents') for the public survey was selected from the Datafree Moya platform's regular users, comprising South Africans across a wide range of demographic profiles, including age, gender, population group, education level, economic participation, geographic location, etc.
- Respondents were selected on the basis of convenience, that is their accessibility, geographical proximity, availability at the given time and/or their willingness to participate in the study.
- Since the sample universe is largely unknown and undocumented, this sampling approach is deemed most relevant. The respondent selection criteria are thus not pre-determined. The approach is also favoured as it is relatively less expensive, most convenient and least time-consuming compared to other approaches. This sampling approach does however bear higher risk of sampling bias, as not all individuals (data subjects and responsible parties) have a chance of being selected. To increase the reliability of inferences about the population, the non-probability sample was designed to be as representative as possible.
- The online survey was designed with the following in mind
  - **Inclusion criteria:** provincial level and demographic information (population group (Black African, Coloured, Indian/Asian, White), gender (M/F), age (18 years+), education, economic participation and dis-/abled).
  - **Targeted sample size:** 0.01% of the number of residents of South Africa per province.
- Results are based on respondents to the online Moya survey (**number = 5 143**) collected online from 24 to 30 November 2022 that gave informed consent to participate and met the age criterion (18+), as well as respondents from selected underrepresented subgroups<sup>4</sup> (**number = 212**) targeted during a supplementary telephone booster survey between 1 and 14 February 2023. The total combined sample size achieved was therefore **5,335**.
- Results have been weighted by race, education, and gender to match Stats SA's demographic data, making them broadly indicative of the knowledge and awareness, attitudes, preferences, and behaviours of South Africans.

<sup>3</sup> Surveyed population.

<sup>4</sup> The following subgroups were targeted in the telephone booster survey to address certain underrepresentation emanating from the Moya survey, especially in relation to an intersection of the three core variables used for weighting purposes (age group, population group, and education level): (a) 99 black Africans in three age bands of 55-84 years with less than a matric; (b) 6 black Africans in three age bands of 55-84 years with more than matric; (c) 12 Coloureds in three age bands 55-84 years with less than matric; (d) 6 Coloureds in three age bands 55-84 years with more than matric; (e) 5 Indian/Asian in two age bands 35-54 years with matric; (f) 4 Indian/Asian in two age bands 35-54 years with more than matric; (g) 6 Indian/Asian in three age bands 55-84 years with less than matric; (h) 3 Indian/Asian in three age bands 55-84 years with matric; (i) 9 Whites in three age bands 55-84 years with less than matric; (j) 27 Whites in six age bands 18-84 years with matric; and (k) 6 Whites in three age bands 55-84 with more than matric. The telephonic survey mode made it impractical to include rural dwellers, but the range of urban dwellers included informal settlements, townships, suburbs and town centres.

# PART A: PUBLIC OPINION SURVEY RESULTS

## 4. NATIONAL SURVEY RESULTS

### 4.1 Sources of information

#### 4.1.1 Main source of information for news and current affairs

- A majority of the populace indicated social media (56%) as their main source of information for news and current affairs, followed by television (53%), radio (38%), and news sites (internet or newspapers) (33%). Significantly fewer indicated that they rely on flyers or pamphlets (8%) and on government (5%).
- The relative emphasis on social media is probably a slight over-estimation given that the survey data was almost exclusively collected via an online data-free platform, implying that the surveyed population is more likely to be online than the general adult population in the country. However, the figures provide a good indication of the diversity of information sources relied upon.
- In terms patterns of variation in information sources, regression analysis confirmed that television is commonly relied on by the public in general across a range of socio-demographic attributes, with a slightly increased reliance among older persons and those who are materially better-off. Online news sites were more likely to be reported by women, older persons, the tertiary educated and suburban residents. A greater reliance on social media information was evident among younger citizens and the tertiary educated. Radio usage increased with age and was more common among less educated and male adults. Little variation was evident among the public in relation to sourcing information from flyers and pamphlets or from government.
- The diverse reliance on different information sources based on class, generation (age) and gender speaks to the need for any POPIA related information campaigning to rely on a targeted approach with a differentiated media strategy.

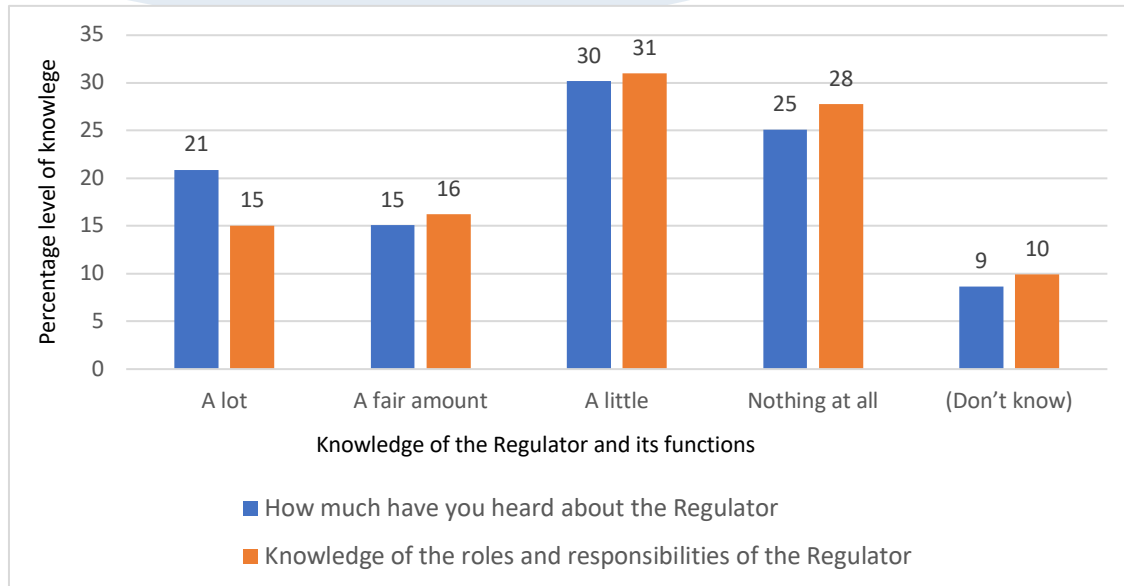
#### 4.1.2 Time spent each day using the internet

- Recognising that the sample was primarily conducted via an online data-free app, the expectation is that there would at least be some degree of internet usage among participants. In asking about the frequency of usage, the most common response, mentioned by 28% of the populace, was that they spend between 1 and 3 hours each day using the internet. A further 22% reported spending between 15 and 60 minutes, while 21% spend less than 15 minutes. At the other end of the frequency scale, 15% spend between 3 and 8 hours a day online, while 13% of the public spend more than 8 hours a day on the internet.
- Regression analysis confirmed that Internet usage was more frequent among younger and better-educated citizens, and was higher among employed and male adults.

## 4.2 Awareness of and knowledge about the Regulator

### 4.2.1 Awareness of the Regulator

- 25% of the public said they have heard nothing at all about the Regulator, while 30% indicated that they have heard a little. However, 36% have heard either 'a lot' or 'a fair amount' about the Regulator.



- Controlling for other factors, awareness of the Regulator was found to be higher on average among 18-19-year-olds, as well as among male, tertiary-educated, employed, and better-off citizens.

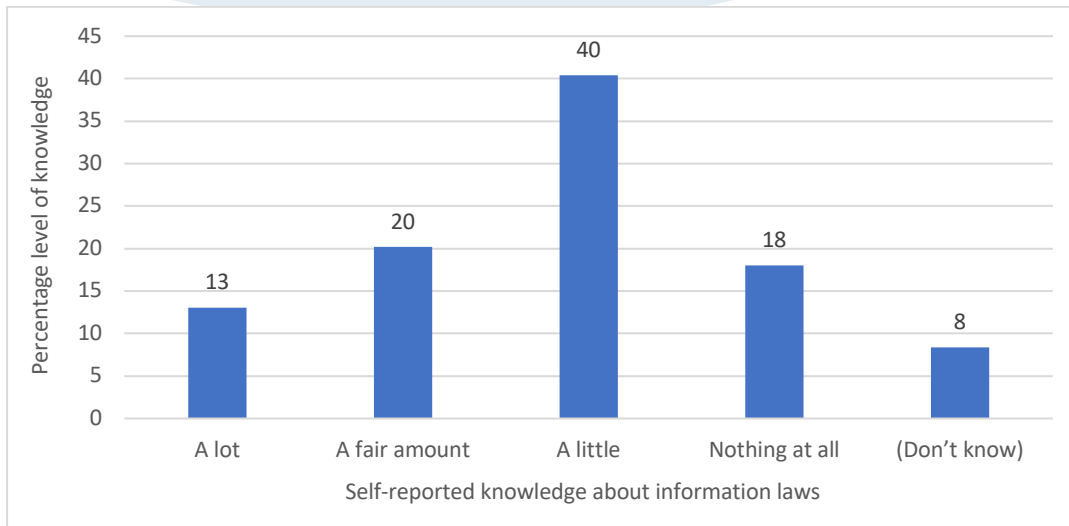
### 4.2.2 Knowledge about the roles and responsibilities of the Regulator

- 28% of the general public felt that they knew nothing at all about the roles and responsibilities of the Regulator, while 31% indicated that they knew a little. On the other hand, 15% of the public said that they knew a lot about the roles and responsibilities of the Regulator and 16% mentioned a fair amount of knowledge.
- Similar to awareness of the Regulator in general, awareness of the Regulator's roles and responsibilities was higher on average among 18-19-year-olds, in addition to women, tertiary-educated, employed and better-off citizens, controlling for other factors.

## 4.3 Awareness of and knowledge about information laws

### 4.3.1 Awareness of information laws

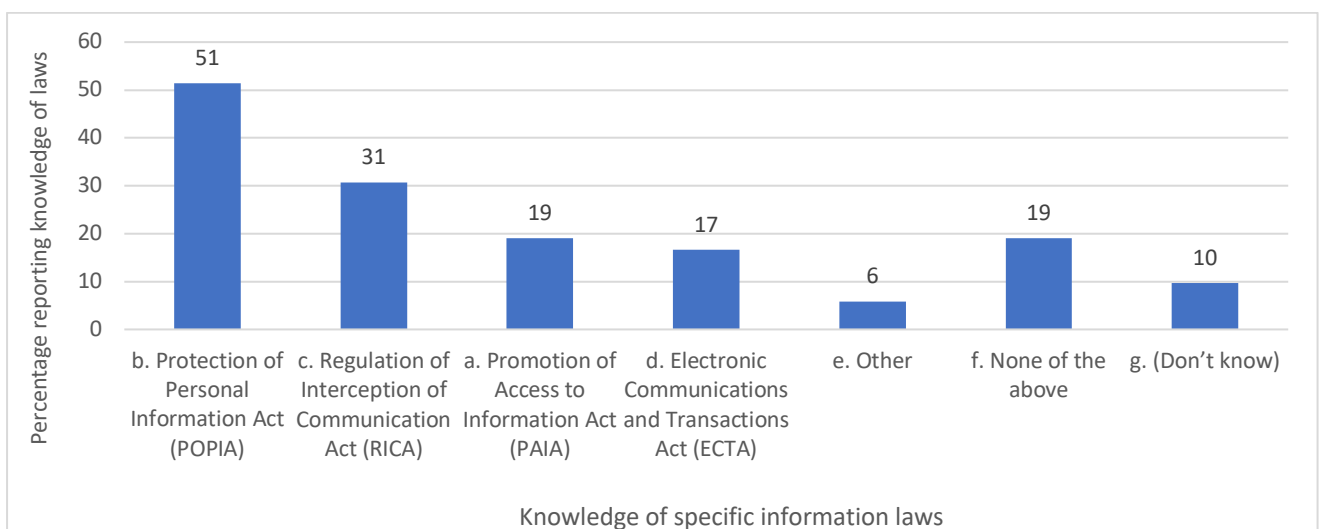
- 18% of the public indicated that they know nothing about information laws and 40% said that they know a little. 20% felt they know a fair amount and 13% of the population indicated that they know a lot about information laws.



- In common with the awareness of the Regulator and its mandate, awareness of information laws was higher on average among 18–19-year-olds, in addition to male, tertiary-educated, employed and better-off citizens, controlling for other factors. This speaks to the recurring influence of gender, age, education and class attributes in shaping levels of awareness and knowledge of information laws and their regulation.

### 4.3.2 Awareness of particular information laws

- A slim majority of people in the country indicated that they were aware of the Protection of Personal Information Act (POPIA) (51%), and 31% indicated awareness of the Regulation of Interception of Communication Act (RICA). Only 19% reported awareness of the Promotion of Access to Information Act (PAIA) and 17% indicated awareness of the Electronic Communications and Transactions Act (ECTA). A total of 10% indicated that they did not know any of these laws.



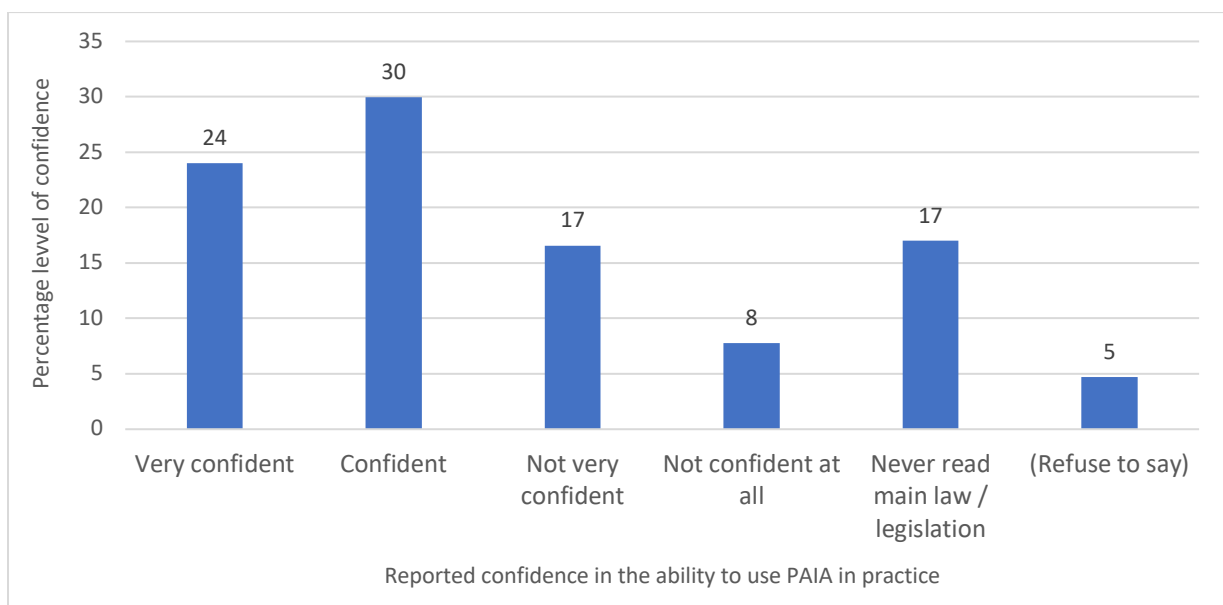
- Regression analysis confirmed that PAIA is better known among women, the better-educated and the self-rated non-poor. These predictors were also common in the cases of awareness of RICA and POPIA. Additional predictors of higher awareness were white adults, the employed and suburban residents in the case of PAIA, and older age groups, suburban residents in the case of RICA. For ECTA, awareness was higher also among 18-19-olds and coloured adults.
- A lack of awareness of any of these information laws was fairly commonly spread along age, gender, racial, and employment status lines, with a lack of statistical significance observed on the basis of these attributes. Nonetheless, lack of awareness was higher among the poor, residents of informal settlements and in the Eastern Cape, and those with primary or no formal education.

#### 4.3.3 The information law(s) that help individuals to get access to information

- The largest percentage (36%) of the public correctly identified PAIA as the information law that helps individuals gain access to information in the country, while 23% thought it is POPIA, 19% opted for RICA, and 17% for ECTA. Notably, however, the second highest percentage of the population (27%) did not know how to respond to the question.
- A strong age gradient informed the likelihood of correctly identifying PAIA (versus other responses) as the law helping individuals to get access to information in South Africa. Younger adults were more inclined to correctly answer this knowledge question than older adults. The same applies with educational attainment, with the share of the public providing the correct answer increasing with education levels. Women and better-off adults were also more likely to provide the correct response. No provincial or geographic location differences were apparent, controlling for other factors.

#### 4.3.4 Confidence in using PAIA to request access to information

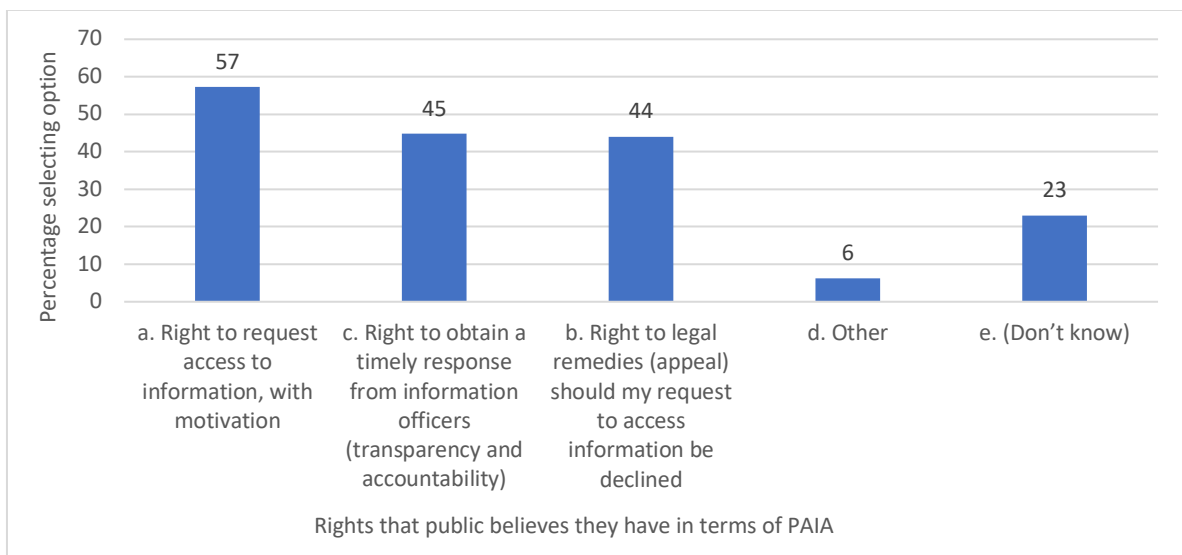
- Despite the inaccuracies in the foregoing responses, when asked to rate their level of confidence in the ability to use PAIA in practice, 24% of the populace felt 'very confident' and a further 30% were 'somewhat confident'. By contrast, 17% were 'not very confident' and 8% were 'not confident at all', while 17% declared that they had never read the main law / legislation.
- Among those who had read or were familiar with PAIA, greater confidence in using PAIA was evident among younger adults, as well as black African, employed, non-poor and rural-based adults (controlling for other factors).
- The likelihood of never having read the PAIA legislation was more common to older, male, less-educated and poor adults, as well as those not in the labour market. Again, for the most part, this replicates what was found in relation to the determinants of never having read the POPIA.





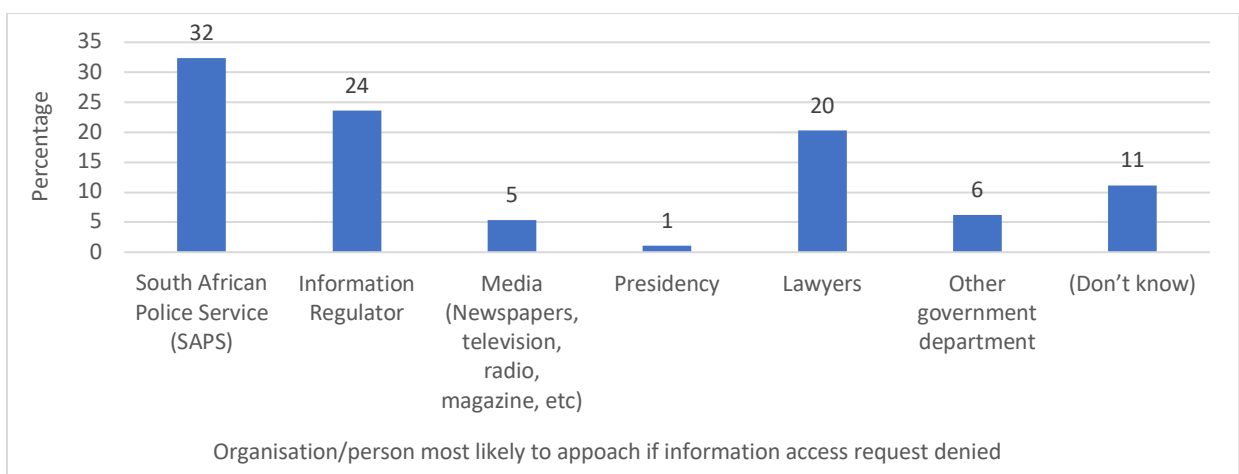
#### 4.3.5 Rights in terms of PAIA

- By contrast, but again despite the inaccuracies in some of the earlier responses in identifying PAIA as the correct legislation to use to request access to information, a not insignificant majority (57%) of the public expressed an understanding that PAIA gives them the right to request access to information. (It is possible that this was inferred from the context of the preceding question.) 45% of the populace stated that PAIA gives them the right to obtain a timely response from information officers (who must uphold transparency and accountability), while 44% said that the Act gives them the right to legal remedies (appeal) should their request be declined. Nevertheless, 23% of the populace stated that they did not know what rights they have in terms of PAIA.



#### 4.3.6 The organisation or person most likely to be approached for legal help if your request for access to information is declined

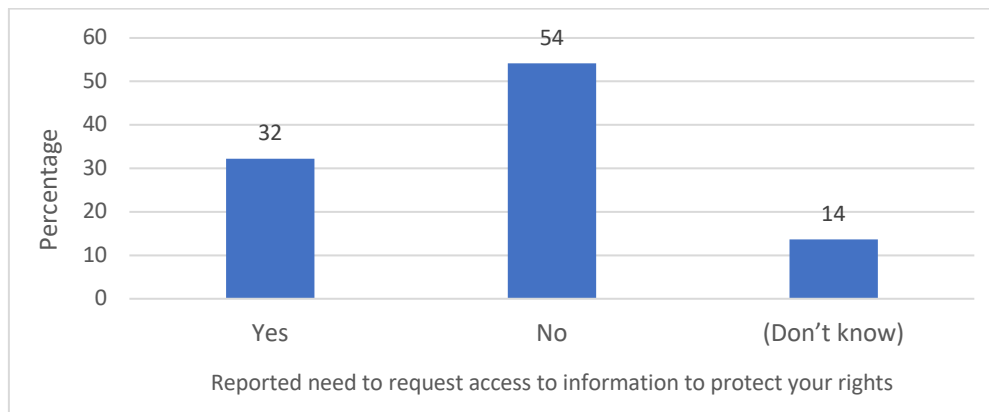
- Similar to the question on POPIA, a minority 32% of the population indicated that they would approach the South African Police Service (SAPS) for legal help, while 24% stated that they would approach the Regulator. 20% of the public said that they would approach lawyers, and 5% would approach the media (newspapers, television, radio, magazine, etc.).



- A small percentage (1%) said they would approach the Presidency and a barely larger percentage (6%) said they would seek help from another government department. A slightly larger percentage (11%) couldn't decide, saying that they did not know who they would ask for help.

#### 4.3.7 Experiences of the need to request access to information to protect rights

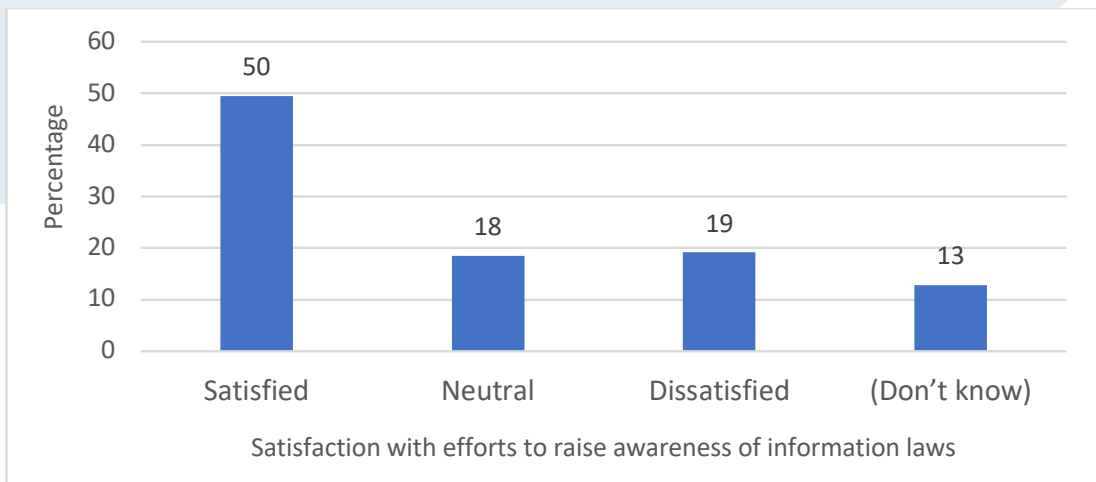
- A majority of the populace (54%) stated that they have had no direct or indirect experience of a need for an access to information request, while 32% of the general public said that have had such an experience. A not insubstantial percentage (14%) again were not sure how to answer this question (Don't know).
- Those responding affirmatively to the question were more likely to be 18-19-year-olds (relative to those 50+), as well as black African, less-educated, employed, and disabled adults. Rural-based, younger and black African adults were also more inclined to express uncertainty how to respond to the question.



## 4.4 Satisfaction with awareness programmes

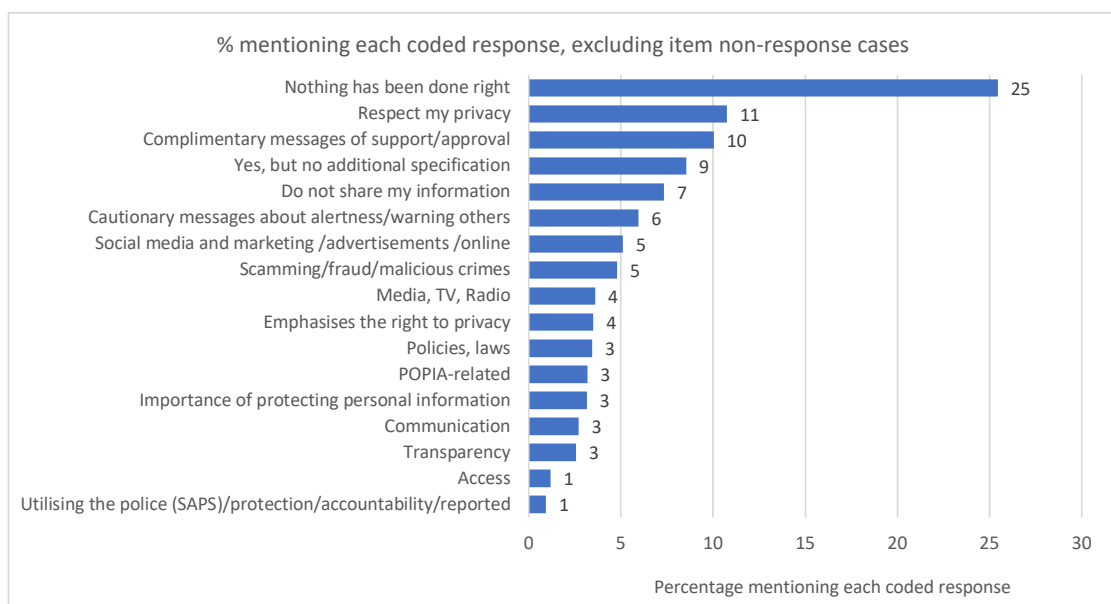
### 4.4.1 Satisfaction with the work done to raise awareness of information laws in South Africa

- 50% of respondents were generally satisfied (i.e., either very satisfied or satisfied) with efforts to raised awareness of information laws in the country, 18% expressed a neutral view, while almost a fifth (19%) expressed general dissatisfaction (i.e., either dissatisfied or very dissatisfied). 13% of the population did not have a clear opinion ('Don't know').
- For those able to express an opinion (i.e., excluding 'do not know' responses), satisfaction with efforts to raise awareness on information laws in the country was more common among those aged 18-19 years (than those 40+), black African adults, the less-educated, rural residents, as well as the employed and the non-poor, controlling for other factors.
- Knowledge of the Regulator and its mandate, as well as knowledge of information laws in the country, are significant predictors of satisfaction with the work done to raise awareness of information laws in the country. This is true even after controlling for a range of other socio-demographic attributes. It suggests that those receiving knowledge of information laws from the Regulator tend to voice contentment with what is being done to conscientise the public.



#### 4.4.2 Views on what has been done right in raising awareness and knowledge on how to exercise the right to access information?

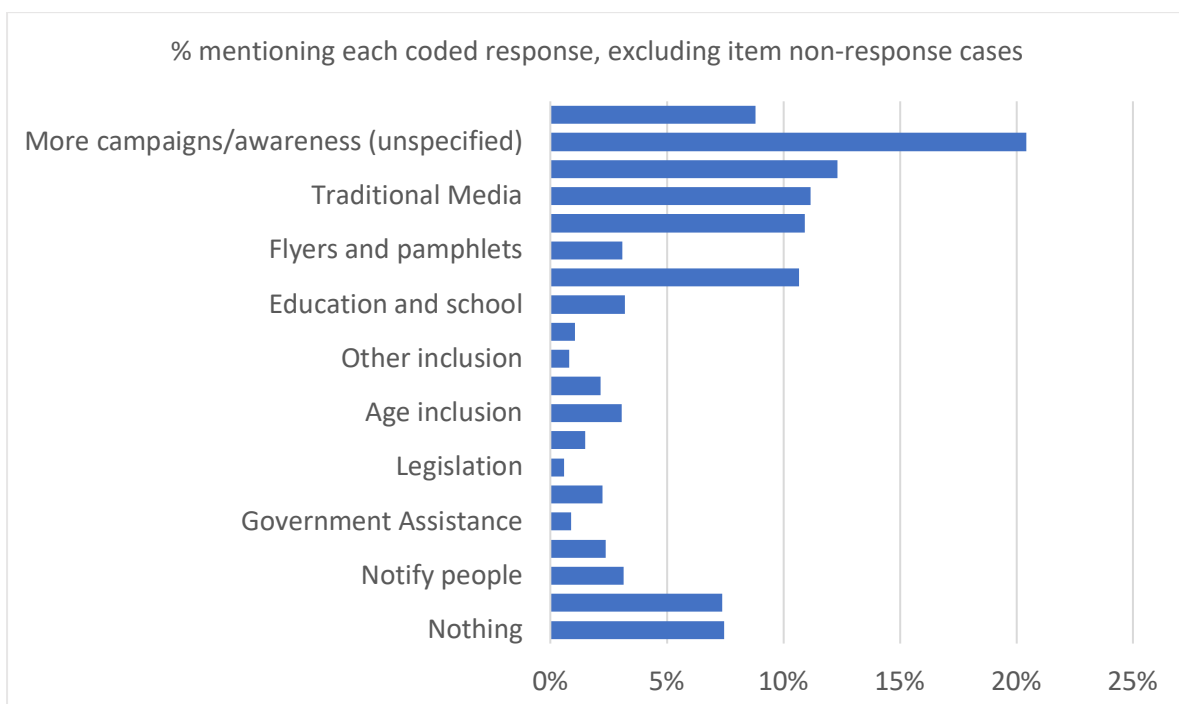
- Respondents were asked an open-ended question regarding what they deemed had been done 'right' in effectively raising awareness and knowledge 'on how to exercise your right to access information and protect your personal information'. In response 64% of the population provided different forms of non-response. These included an appreciable 50% providing no answer at all (blank responses), while 3% stated that they had not response to provide. A further 5% provided irrelevant answers while 7% indicated that they did not know how to respond to the question. This difficulty that a sizeable majority had in answering the question speaks volumes about patterns of knowledge and awareness of information laws in the country and the initiatives directed at educating the public in this regard.
- Focusing only on the remaining 36% of adults that could provide detailed answers to the question, by excluding the non-response categories described above, results in a diverse set of messages. The most frequently-provided answer was that 'nothing has been done right' (mentioned by 25%). This is indeed worrying and suggests that the public is quite sceptical regarding the scale of efforts to promote public awareness on accessing and protecting information.



- 11% of adults offered responses relating to 'respecting my privacy', general 'complimentary messages of support' for efforts being undertaken (10%) or said that things were being done right without specification (9%).
- Another group of responses that were slightly less commonly mentioned included messages about 'not sharing my information' (7%), 'cautionary messages of warning' (6%), favourable reviews of social media, marketing and advertisements (5%), and also issues relating to 'scamming, fraud and malicious crimes' (5%). Media sources such as TV and radio were favourably mentioned by 4%, as was messaging 'emphasising the right to privacy'.
- Other lesser supported responses (1-3%) touched on the policy and legislative framework, POPIA specifically, the importance of protecting personal information, communication campaigns, efforts to promote transparency and access to information, as well as police support, protection, accountability, and reporting. Negligible shares mentioned banks and government support (not shown in graph).

#### 4.4.3 Suggestions to improve awareness and knowledge

- Respondents were also asked to complete an open-ended (combined) question about what, in their view, can be done to 'improve awareness and knowledge on how to exercise your right to access information and protect your personal information'. 52% of the general populace provided different forms of non-response. Specifically, 42% failed to provide any response, opting instead to leave the question blank. A further 6% provided irrelevant responses, while 6% expressed uncertainty about how to respond.
- If the focus is restricted exclusively to the 48% who provided a valid answer to the question, we find a broad diversity of responses. The top-ranked responses relate to the need for further advertising awareness campaigns (mentioned by 20%), personal advice (9%) and a demand for the provision for more law enforcement (11%) and more safety for people (2%).
- A large cluster of codes was mentioned by small shares including themes such as strategic use of the social media (12%), and the need for reporting on this issue in the traditional media (11%). In addition, 11% indicated that workshops and roadshows could be a good way to promote knowledge and awareness.
- A long tail of nominally mentioned response categories was mentioned by 2% or less, and these address government and individual responsibilities, a greater focus on inclusion as well as an emphasis on promoting awareness through schools.



## 5 KEY FINDINGS

### 5.1 Sources of news and information

#### 5.1.1 Main sources of information about news and current affairs

- The majority of respondents indicated social media (56%) as their main source of information for news and current affairs, followed by television (53%), radio (38%), and news sites (internet or newspapers) (33%).

#### 5.1.2 Daily usage of the internet

- Unsurprisingly, given the online platform used for the public opinion survey (barring the small complementary telephone booster survey), respondents make extensive daily use of the internet. Only 43% spend less than 15 minutes or between 15 and 60 minutes daily, with the balance spending more – up to 3 to 8 hours per day on the internet.
- Internet usage is more frequent and extended among younger and better educated citizens and is higher among employed and males adults.

### 5.2 Awareness of and knowledge about the Regulator

- Respondents generally do not associate the Regulator with their right of access to information and PAIA.
- 55% of respondents have heard either nothing at all or very little about the Regulator, while 36% have heard either a lot or a fair amount.
- Awareness of the Regulator was found to be higher on average among 18-19-year-olds, as well as among male, tertiary-educated, employed and better-off citizens. On average, persons with a disability report a higher level of awareness of the Regulator than non-disabled persons.
- Almost 60% of respondents feel that they know nothing at all or very little about the mandate, roles and responsibilities of the Regulator. Only 31% say they know either a lot or a fair amount.
- Similar to general awareness of the Regulator, awareness of the Regulator's roles and responsibilities was higher on average among 18-19-year-olds, in addition to among tertiary-educated, employed and better-off citizens, controlling for other factors. Persons with a disability again presented with higher levels of knowledge than non-disabled adults.
- Perhaps because of police presence and visibility in communities across the country compared to the Regulator, the SAPS is likely to be the first institution that most respondents think about when needing help to protect or enforce their rights. It should also be recognised that the Regulator is a relatively new institution without the same historical, extended and permanent physical presence as the SAPS in communities.

### 5.3 Awareness, knowledge and understanding of information laws

- Despite being on the statute books for over 20 years, PAIA is far less well-known among respondents than, for example POPIA and RICA, at 19%.

#### 5.3.1 The information law(s) that help individuals to get access to information

- The largest percentage (36%) of respondents correctly identified PAIA, but as many as 27%, the second highest percentage of respondents, didn't know.
- A strong age gradient informed the likelihood of correctly identifying PAIA, with younger adults more inclined to answer correctly.
- Educational attainment, gender (women) and class (better-off) of adults were also predictors of those more likely to provide the correct response.

#### 5.3.2 Confidence in using PAIA to request access to information

- Despite the high percentage of inaccurate answers concerning PAIA, 54% of respondents felt either very confident or confident in their ability to use PAIA in practice.

#### 5.3.3 Rights in terms of PAIA

- Again, despite most respondents not correctly identifying PAIA as the correct legislation to use to request access to information, a not insignificant majority (57%) of respondents expressed an understanding that PAIA gives them the right to request access to information. (It is possible that this was inferred from the context of the preceding question.)

#### 5.3.4 The organisation or person most likely to be approached for legal help if a request for access to information is declined

- 32% of respondents indicated that they would approach the South African Police Service (SAPS), while 24% identified the Regulator as the organisation they would approach for legal help. This percentage was followed closely by 20% who stated that they would approach a lawyer. 5% of respondents said they would approach the media (newspapers, television, radio, magazine, etc.) while 6% would seek assistance from a government department or from the Presidency (1%). 11% didn't know where to seek assistance, and were unable to choose one of these options.
- A higher percentage of respondents identified the Regulator as their likely resort for legal help when an access to information request was refused, than those who indicated they would approach the Regulator for legal help if their personal information was misused.
- This difference may be significant as it may suggest that respondents inferred from the context of the survey, and particularly the sequence of questions, that the Regulator has a relevant mandate in these situations. If so, it suggests that survey participants may have learned useful information about the Regulator from the mere fact of participation.

#### 5.3.5 Experiences of the need to request access to information to protect rights

- A majority of respondents have had no direct or indirect experience of a need for an access to information request, while almost a third have had such an experience. A not insubstantial percentage weren't sure how to answer this question.
- Those responding affirmatively to the question were more likely to be 18-19-year-olds (relative to those 50+), as well as black African, less-educated, employed, and disabled adults. Rural-based, younger and black African adults were more uncertain how to respond to the question.

## 5.4 Satisfaction with awareness programmes

### 5.4.1 Satisfaction with the work done to raise awareness of information laws in South Africa

- Half of respondents (50%) were generally satisfied with these efforts, 18% expressed a neutral view, while almost a fifth (19%) expressed general dissatisfaction.
- Satisfaction with efforts to raise awareness on information laws in the country was more common among the youngest adults (aged 18-19 years), black African adults, the less-educated, rural residents, as well as the employed and the non-poor.
- Knowledge of the Regulator and its mandate, as well as knowledge of information laws in the country, are significant predictors of satisfaction with the work done to raise awareness of information laws in the country.

### 5.3.2 Views on what has been done right in raising awareness and knowledge on how to exercise the right to access information

- Respondents were asked an open-ended (combined) question regarding what they deemed had been done 'right' in effectively raising awareness and knowledge 'on how to exercise your right to access information and protect your personal information'.
- 64% of respondents provided different forms of non-response.
- The difficulty evidently experienced by a sizeable majority in answering the question speaks volumes about patterns of knowledge and awareness of information laws in the country and the initiatives directed at educating the public in this regard.
- Focusing only on the remaining 36% of adults that could provide detailed answers to the question, results in a diverse set of messages. The most common answer (25%) was that 'nothing has been done right'.
- This is worrying and suggests that the public is quite sceptical regarding the nature and scale of efforts to promote public awareness on accessing and protecting information.
- A large percentage of substantive responses didn't mention access to information at all. Other lesser supported responses (1-3%), excluding those related to protection of personal information, touched on the policy and legislative framework, communication campaigns, efforts to promote transparency and access to information, as well as police support, protection, accountability, and reporting.

### 5.3.3 Suggestions to improve awareness and knowledge

- Slightly over half of survey participants (52%) provided different forms of non-response.
- If the focus is restricted exclusively to the 48% who provided a valid answer to the question, we find a broad diversity of responses. The top-ranked responses relate to the need for further advertising (mentioned by 15%), teaching (15%) and public education campaigns (9%), and a demand for the provision of more information (6%) and awareness-raising (4%) on these matters.
- The difficulty apparently experienced by respondents in answering this question, particularly the non-responses, indicates the need for the Regulator's services, as well as the scale of the task that lies ahead.

# PART B – KEY INFORMANTS SURVEY (PUBLIC AND PRIVATE BODIES)

## 6 KEY INFORMANT SURVEY (PUBLIC AND PRIVATE BODIES)

### 6.1 Background

- Due to time and budget constraints, the desired comprehensive baseline study wasn't feasible. Hence, a preliminary online stakeholder (i.e., 'information holders') opinion survey was undertaken. This entailed excluding some of the ideal research objectives and key research questions from the PAIA study, with a view to undertaking a relatively rapid survey that would nevertheless be scientifically credible and would provide the Regulator with a sound evidence-based set of findings on the basis of which it could assess its impact to date through awareness and education outreach programme, and make critical decisions about possible key changes to its strategy, approach and methodologies.
- This complementary online survey was targeted at selected responsible parties. The survey was administered via the Survey Monkey platform, with a weblink emailed to individual stakeholders.
- By surveying stakeholders who have had some direct interaction with the Regulator, the results of this survey provide a fuller picture of these stakeholders' comparative levels of awareness of and attitudes towards their rights and responsibilities in terms of PAIA, as well as awareness of the Regulator's roles and responsibilities.

### 6.2 Survey sample

- Eighteen (18) public or private bodies were selected from the Regulator's PAIA compliance database comprising municipalities and banks that have been subject to compliance assessments by the Regulator over two quarters in the 2022/23 financial year.
- Non-probability purposive sampling was used to ensure representation of all provinces, especially given that a substantial number of the bodies were based in Gauteng (GP), as well as to ensure a fair mix of the bodies. The bodies included in the sample comprised of metropolitan and district municipalities, and one bank in each of the following categories: "locally controlled banks", "branches with international banks", "mutual banks", "investment banks" and "government-owned development bank."
- A non-probability purposive sampling approach was used to ensure a reasonably fair representation of all the provinces included in the database, as well as to ensure a fair mix of public and private bodies.
- During a period of about three weeks, the survey yielded a total of fourteen (14) responses.

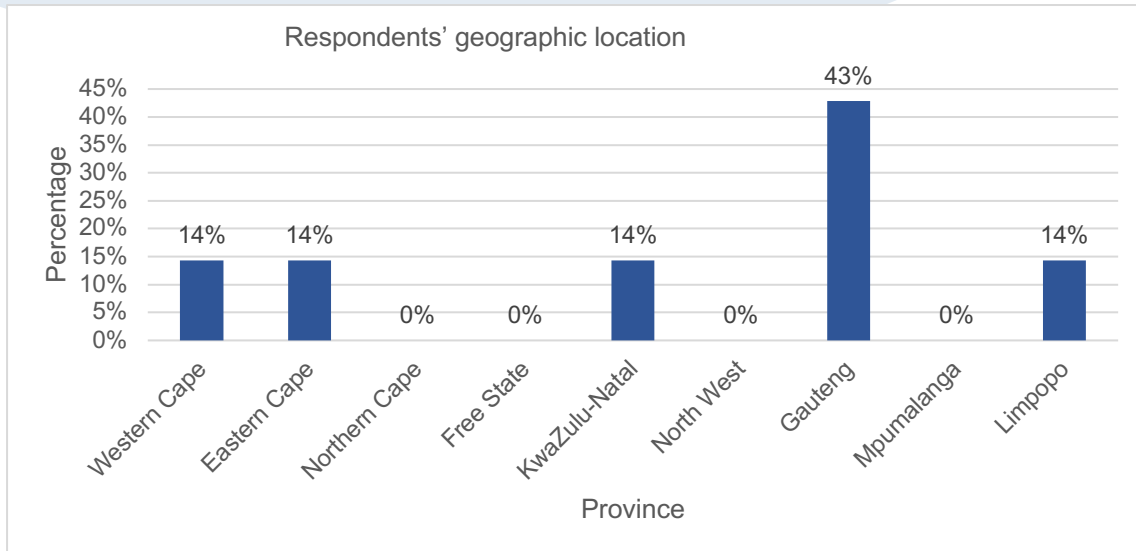
### 6.3 Survey results

- In view of the small survey sample available, the results reported below should be regarded as more indicative than definitive. Careful interpretation is therefore recommended and the results should be considered as exploratory and subject to a possible future follow-up study.



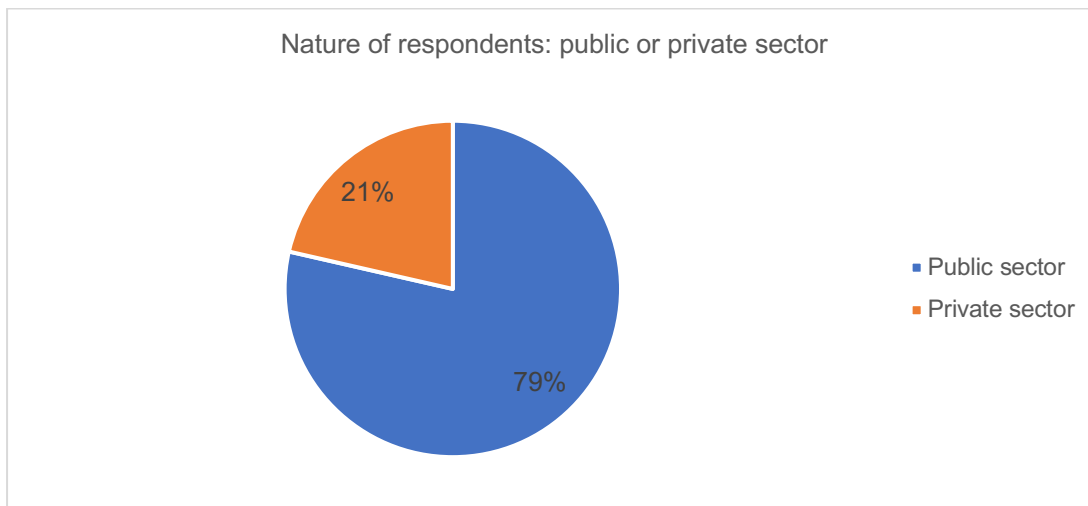
### 6.3.1 Respondents' geographic location

- 43% of respondents were based in Gauteng, while 14% were based in each of Limpopo, KwaZulu-Natal, the Eastern Cape and the Western Cape. No responses were received from any other province.



### 6.3.2 Nature of respondents: public or private sector

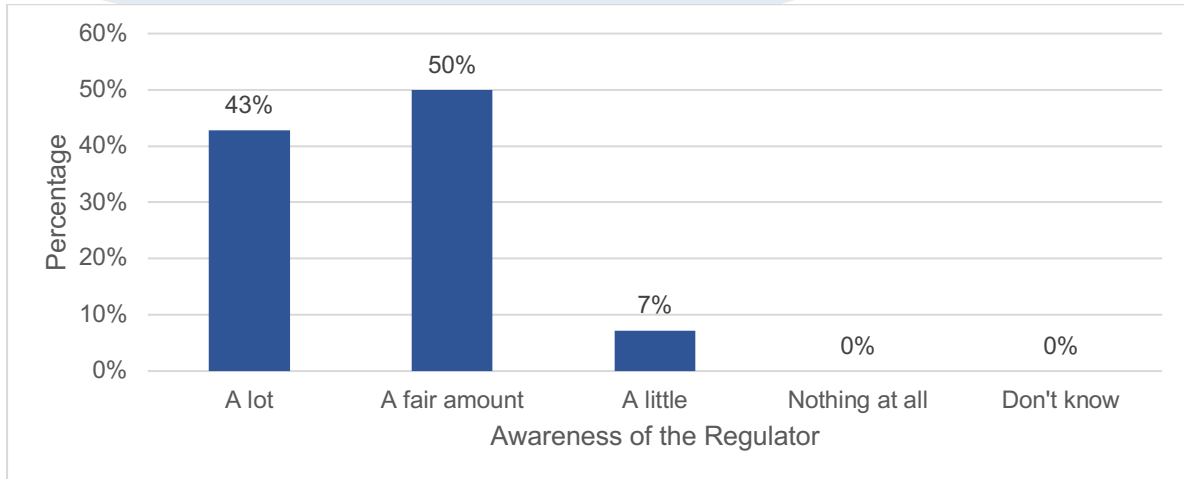
- 79% of respondents were public bodies, while 21% were private bodies.



### 6.3.3 Awareness of and knowledge about the Regulator

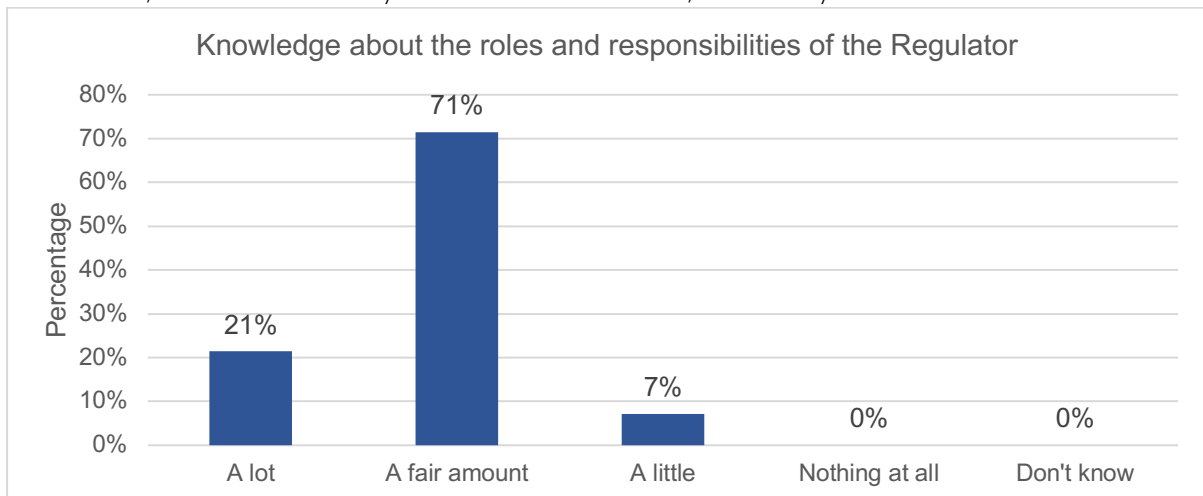
#### 6.3.3.1 Awareness of the Regulator

- Respondents indicated that they had heard either a lot (43%) or a fair amount (50%) about the Regulator, while 7% said they had heard only a little.



#### 6.3.3.2 Knowledge about the roles and responsibilities of the Regulator

- 21,4% of respondents claimed to know a lot about the Regulator's roles and responsibilities, while 71,4% indicated that they know a fair amount and 7,1% said they know a little.



### 6.3.4 Knowledge and understanding of PAIA

#### 6.3.4.1 Understanding of PAIA's main objectives

The most common responses were -

- To promote and give effect to the constitutional right of access to information
- To promote transparency, accountability and effective governance of all public and private bodies
- To promote transparency between the state and its citizens
- To allow for swift, inexpensive and effortless access where possible

One response included some additional details –

- It (a) educates and empowers people to understand their rights; and (b) to understand the functions and operations of public bodies so that they can (c) effectively scrutinise and participate in decision-making by public bodies that affect their rights; and (d) to ensure that the state promotes a human right culture and social justice

### 6.3.5 Implementation of PAIA

#### 6.3.5.1 Measures in place in organisations / institutions to ensure compliance with PAIA

- The most frequently reported measure (30%) is the designation of a DIO or Deputy Head, with regular submission of a Section 32 Report the second-most frequently cited measure (27%). This is followed closely (22%) by the publication and submission to the Regulator of a list of automatically available information. 14% of responses mentioned an up-to-date PAIA manual.
- There were 37 responses to this question, which indicated that some respondents had selected more than one response.

Table 1: Measures in place in your organisation to ensure compliance with PAIA (n=37)

Measures in place in your organisation to ensure compliance with PAIA	Responses	
	n	%
Designation of Deputy Information Officer of a public body or Deputy Head of a private body	11	30%
Regular submission of Section 32 Report	10	27%
Publish and submit to the Information Regulator a list of automatically available information	8	22%
An up-to-date PAIA manual available in at least three official languages	5	14%
None of the above	1	3%
Do not know	1	3%
Refuse to say	1	3%
<b>Total</b>	<b>37</b>	<b>100%</b>

#### 6.3.5.2 Challenges or barriers hindering organisations' compliance with PAIA

The most frequent responses were –

- There are no challenges (6)
- Lack of financial resources
- Inadequate knowledge, awareness, skills or training
- Inadequate staffing or personnel

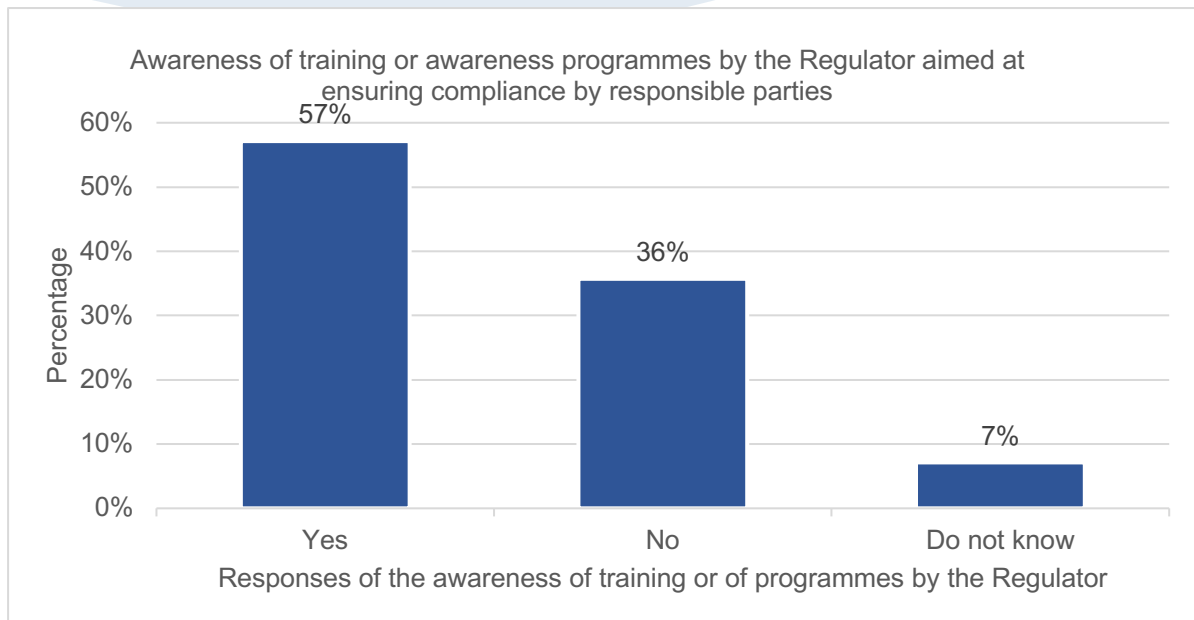
Other responses –

- Poor cooperation from other departments in providing the requested information (1)
- Difficulty locating older records.

### 6.3.6 Satisfaction with awareness and training programmes

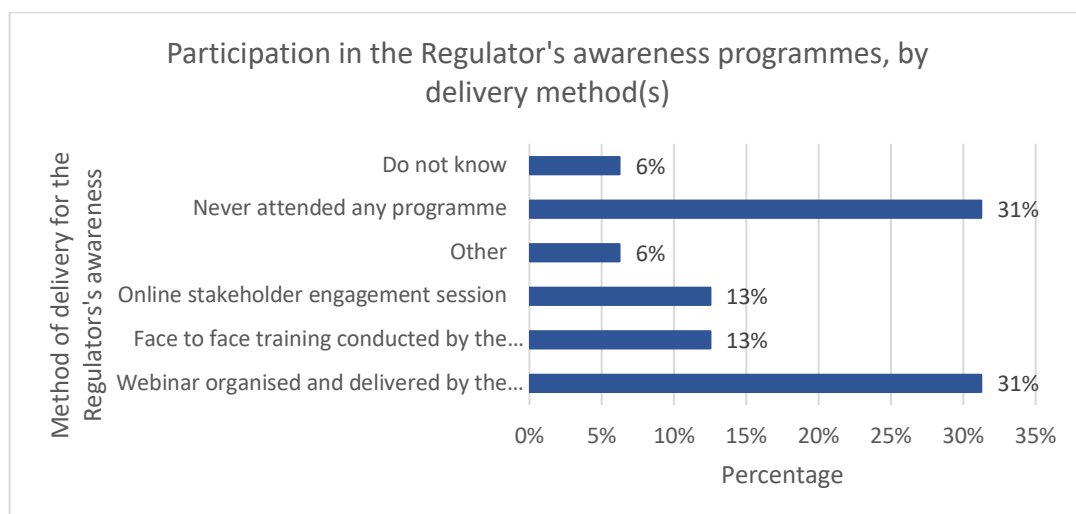
#### 6.3.6.1 Awareness of training or awareness programmes by the Regulator aimed at ensuring compliance by responsible parties

- 57% of respondents indicated awareness of such programmes by the Regulator, while 36% said they were not aware of any such programmes and 7% did not know how to answer the question.



#### 6.3.6.2 Participation in the Regulator's awareness programmes, by delivery method(s)

- 31% of respondents said that they had never attended any awareness programme by the Regulator, while the same percentage (31%) reported that they had attended a Regulator's webinar, 13% had attended an online stakeholder engagement session and 13% had participated in face-to-face training.
- There were 16 responses to this question, which indicated that some respondents had participated in more than one such programme offered by the Regulator.



### 6.3.6.3 *Suggestions about measures by the Regulator to maximise compliance with PAIA by public and private bodies*

The most commonly suggested measures were the following –

- Regular training should be made available to DIOs.
- Regular awareness-raising and guidance for DIOs, such as through online engagements and circulars on recent developments.
- ‘Constant’ support for DIOs, including an online training manual.
- Public awareness and training.

## 6.4 Key findings

### 6.4.1 Awareness of the Regulator

- 43% of respondents have heard either a lot about the Regulator and 50% have heard a fair amount. 7% said they had heard only a little.

### 6.4.2 Knowledge about the roles and responsibilities of the Regulator

- 21,4% of respondents know a lot about the Regulator’s roles and responsibilities, while 71,4% know a fair amount and 7,1% know a little.

### 6.4.3 Knowledge and understanding of PAIA

- Knowledge and understanding of PAIA’s core objectives is quite clear, while a deeper understanding of the ways in which PAIA can be used to achieve those objectives (instrumental value) is restricted to mainly one respondent.

### 6.4.4 Implementation of PAIA

#### 6.4.4.1 *Measures in place in organisations / institutions to ensure compliance with PAIA*

- There were 37 responses to this question, indicating that some organisations have implemented more than one measure.
- 30% of responses indicate designation of a DIO or Deputy Head; 27% indicate regular submission of a Section 32 Report; 22% report publishing and submitting a list of automatically available information; and 14% of responses mention an up-to-date PAIA manual.

#### 6.4.4.2 *Challenges or barriers hindering organisations’ compliance with PAIA*

The main categories of responses were –

- None (6).
- Lack of financial resources; inadequate knowledge, awareness, skills or training; or inadequate staffing or personnel.
- Poor cooperation from other departments in providing the requested information.
- Difficulty locating older records.

#### 6.4.5 Satisfaction with awareness and training programmes

##### 6.4.5.1 *Awareness of training or awareness programmes by the Regulator aimed at ensuring compliance by public and private bodies*

- 57% of respondents indicated awareness of such programmes, while 36% were unaware of them.

##### 6.4.5.2 *Suggestions about measures by the Regulator to maximise compliance with PAIA by public and private bodies*

The most commonly suggested measures were the following –

- Regular training should be made available to DIOs.
- Regular awareness-raising and guidance for DIOs, such as through online engagements and circulars on recent developments.
- ‘Constant’ support for DIOs, including an online training manual.
- Public awareness and training.

# PART C: FINDINGS ON MAIN RESEARCH QUESTIONS AND RECOMMENDATIONS

## 7 FINDINGS ON MAIN RESEARCH QUESTIONS

In this concluding section, we return to the research questions presented at the beginning of this synthesis document and summarise the study evidence pertaining to each.

- a) **What is the historical context (enactment and implementation) of PAIA and the right to access information in South Africa?**
- The literature review undertaken aimed to address this question and is descriptively outlined in the introductory sections of this report. The literature indicated that even though the legislation has been in effect for over 20 years, insufficient awareness has been raised around it.
- b) **What are the principles and value of awareness programmes towards educating the public about their rights of access to information?**
- The modes of channels used to raise awareness and carefully studying various audiences. This enables organisations to implement relevant programmes with high potential of successfully raising awareness and educate the public around their rights.
  - In particular, the satisfaction expressed with awareness-raising efforts to date, as well as the demand for awareness-raising and educational campaigns among those making suggestions as a priority for the future in the open-ended data, speak to the intrinsic value that the public attached to awareness programmes. The evidence also provided guidance on the preferred channel(s) of communication for such programmes in future, and the need for a targeted and differentiated approach to improve the reach of educational messaging. A follow-up study including focus groups could help unpack the principles and values of awareness programmes to better inform training and education programmes.
- c) **What is the level of awareness about the right of access to information and/or PAIA as an enabling tool for realisation of the right?**
- Awareness on PAIA: 19%
  - Awareness on rights entailed in PAIA:
    - Right to request access to information, with motivation- 57%
    - Right to legal remedies (appeal) should my request to access information be declined - 45%
    - Right to obtain a timely response from information officers (transparency and accountability) - 44%
  - Knowledge and understanding of PAIA's core objectives is quite clear among KIs, while a deeper understanding of the ways in which PAIA can be used to achieve those objectives (instrumental value) is restricted to mainly one respondent.
- d) **What are the barriers hindering full realisation of rights of access to information for all?**
- There is a recurring influence of gender, age, education and class attributes in shaping levels of awareness and knowledge of information laws and their regulation.
  - More particularly, literacy, language, geographic location and access to media play a significant role as barriers.
  - Data costs are a significant barrier for many members of the public. Even if the Regulator provides educational material and guidance resources on its digital platforms, they are unavailable to those who may wish to use them when wanting to find out more or encountering a problem.
  - The relative invisibility of the Regulator as a physical presence in communities also hampers awareness of the Regulator, its mandate and associated rights, as well as the practical enjoyment

of the right as an enabling right for the enjoyment of other rights. On the other hand, the police are often contacted because of their visibility.

- e) What recommendations could be implemented by the Regulator towards improving the effectiveness of awareness programmes in promoting the right of access to information in South Africa (through implementing PAIA imperative as stipulated in section 83(2)(a) and (b))?
- Refer to preliminary findings and recommendations in para 8 below.

## 8 PRELIMINARY FINDINGS AND RECOMMENDATIONS

Preliminary findings and recommendations to emerge from the data analysis are as follows -

1. Awareness of the Regulator is not low, but awareness of the organisation's responsibilities and functions is low. Communication, awareness and education campaigns need to be designed so that people are made more aware of the mandate and functions of the Regulator, especially its dispute resolution and adjudicatory roles.
2. Stocks of relevant knowledge about information legislation in the country are low. The Regulator needs to intensify its efforts in promoting public awareness of constitutional rights, existing legislation and associated rights and avenues of recourse.
3. There is substantial need to increase public awareness and knowledge of PAIA. Increasing awareness and understanding of this legislation would make people more likely to approach the Regulator for legal help if their request for access to information was declined.
4. Requesting access to information held by a public body is less complex than requesting access to information from a private body. In the latter situation, a requester is required to provide reasons for requesting such access. In both situations, but especially in the latter, simple and clear legal guidance and assistance is necessary to enable the first step in the process. Consideration should be given to developing digital resources, such as brief comic strips, animated cartoons, or short and simple YouTube clips, for use by the public and some of the partners suggested below.
5. Many respondents identified the SAPS as the institution they would approach if they need help. Comparatively few respondents are aware of the Regulator. The Regulator should consider using the profile and presence of the SAPS in communities across the country as a resource to help inform, educate and assist the public. The Regulator could do so by informing and educating the SAPS, including advising complainants how to redirect their complaint to the Regulator, and by making its educational materials and contact information (e.g., a toll-free number) available in police stations. Similar collaborative partnerships may be considered with municipal offices, Thusong centres, local government community development workers, and national networks of community advice offices (CAOs).
6. The Regulator should consider establishing a toll-free number to provide information and guidance to the public. The toll-free service should be properly staffed with well-informed personnel who are fluent in all official languages.
7. The Regulator should make its promotional and educational material available in all official languages, including sign language.
8. Many people living in South Africa have low literacy levels, or live with visual or hearing impairments, or are foreign nationals. For these reasons, awareness and educational materials should not be limited to written forms. These materials should also be available in visual and audio formats, as suggested above.
9. For older persons and those in rural communities, the Regulator should promote public awareness and education primarily through traditional media (e.g., television and radio). In addition, roadshows and organised events are valuable for reaching many people in marginalised and disadvantaged communities.
10. To effectively target the youth, the Regulator should make greater use of digital platforms (particularly social media).
11. To enable broad public access to information about the Regulator, information rights and responsibilities, information laws and guidance about their use, consideration should be given to zero rating the Regulator's online platforms.



12. As recommended above, special consideration must be given to those South Africans who are living with disabilities. Data showed that this group was particularly likely to need assistance in accessing information to protect and exercise their rights.