



PAIA Manuals and the 31 December 2021 Deadline: Crying Wolf Again, or Real This Time?

"A man who procrastinates in his choosing will inevitably have his choice made for him by circumstance." (Hunter S. Thompson)

Since 2005 businesses have been repeatedly told "get your PAIA (Promotion of Access to Information Act) manual sorted now, the deadline is approaching". And every 5 years since then, those (mostly smaller) businesses temporarily exempted from lodging manuals have been given yet another extension - usually at the very last minute.

"Crying Wolf" again?

With government "Crying Wolf" so often, small business owners can certainly be forgiven for treating this whole process with a great deal of scepticism. Perhaps though this deadline is one to take seriously, particularly since the related POPIA (Protection of Personal Information Act) is now fully in place and new PAIA Regulations have been promulgated to tie in with POPIA.

What businesses are currently exempt?

PAIA itself requires all public and private bodies to prepare, lodge and publish (including on any website you have) a PAIA information manual. Every business operation, no matter how small, falls into that net - the definition of "private body" includes any person or partnership who carries on or has carried on "any trade, business or profession", together with any "former or existing juristic person" and political parties.

In other words, all businesses of all types and sizes must have a PAIA manual once the current exemption comes to an end.

You are probably currently exempt if you are a smaller business, specifically a "private body", including any private company.

But the exemption does **not** apply to any non-private company, nor to any private company in any of the business sectors listed below with **either** -

- 50 or more employees, or
- An annual turnover of or above specific thresholds - see the table below for details.

PAIA Exemption Extension Threshold until 31 December 2021	
Business Sector	Annual Turnover Threshold
Agriculture	R 6 million
Catering, Accommodation and other Trade	R 15 million
Community, Special and Personal Services	R 15 million
Construction	R 15 million
Mining and Quarrying	R 22.5 million
Manufacturing	R 30 million
Electricity, Gas, Water	R 30 million
Transport, Storage and Communications	R 30 million
Financial and Business Services	R 30 million
Retail, Motor Trade and Repair Services	R 45 million
Wholesale Trade, Commercial Agents, and Allied Services	R 75 million

Do your Manual now anyway!

Even if the deadline is once again extended, you will almost certainly still have to comply somewhere down the line, and at least by getting this done now you have got rid of one annoying little red tape item from your Action List. Procrastinating, as Hunter S Thompson pointed out, just means having the choice made for you down the line.

Prepare your PAIA manual now; if you already have one, update it regularly.

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