

'HOLD THEM ACCOUNTABLE'

Don't stand for official secrecy, says Mkhize

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PROVINCIAL Premier Zweli Mkhize has urged citizens to hold corrupt public servants accountable by insisting on the right of access to official records from government and private bodies.

The constitution and the Promotion of Access to Information Act (PAIA) were crafted deliberately to ensure that citizens in the new democracy would be safe from corruption and secrecy, he said in a keynote speech to the KZN Provincial Information Officers Forum in Durban at the weekend.

The speech was delivered on his behalf by Mark Serfontein, senior state law adviser in the premier's office.

"When a government is bound to disclose its records as contemplated by PAIA there is not much scope for it to operate in a clandestine manner. In common law, certain information is seen to belong to the public. Top ranking civil servants, by their position and responsibility, become public property and their actions, and to an extent their private lives, belong in the public domain."

Mkhize said his office was encouraging administrators to provide citizens with access to information so that they were not forced to go to court to enforce this right.

"Officials in government are servants of the people. No one individual is above the law or is allowed to ignore the law to benefit themselves or any

personal agenda," he said.

Mkhize said 160 officials from several KZN departments had been sent on training courses over the past year to help give effect to the PAIA.

Yet despite Mkhize's message, it appears that many officials are still ignoring the provisions of the act.

Alison Tilley, chief executive of the Open Democracy Advice Centre, said a recent survey suggested that only 3 percent of official requests for information under the act resulted in refusals.

"So we are not seeing wholesale refusal by bureaucrats who deliberately refuse to release information."

But a much more worrying trend was that about 63 percent of requests resulted in "mute refusals", where requests for information were simply met with silence.

The Open Democracy Advice Centre had conducted several surveys over the past few years to assess how well government departments were complying with the PAIA requirements.

The top performers in the 2006 survey included the departments of defence, land affairs and trade and industry and the SAPS.

In 2008, the top performers were the City of Johannesburg (89 percent rating), the SAPS and Eskom with the eThekweni municipality emerging as the best in KZN, with a rating of 53 percent. But at local government level, most district councils had scored 0 percent.

