

Fear and disdain keep the public in the dark

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THE South African Human Rights Commission recently released its annual report on government compliance with the Promotion of Access to Information Act and it makes dismal reading. Again.

Trends identified during the initial audits conducted by the commission in 2007 remained largely unchanged last year. For example, government departments are supposed to report to the commission how many requests for information were received in terms of the act, how many were granted in full, how many in part, how many appeals were lodged, and the like. These are known as section 32 reports, named after the section in the act that requires them. So how many reports were submitted by the audited public bodies? None.

This reflects badly on the public bodies and the commission, which explains in its report that it has not been allocated sufficient resources with which to drive compliance with section 32, and I believe it. The commission has the same explanation in relation to many of the problems it experiences with implementing the act, with local government standing out as heinous repeat offenders. In fact, 93% of local governments have not complied with the reporting requirements of the act. That means that just 7% are in compliance. National departments are much better, with 44% in compliance with their reporting requirements.

This is obviously a problem — not having an information officer, not reporting on the requests your public body receives, and not updating your information manual affect the ability of a public body to respond to requests for information. Perhaps more importantly, the proactive disclosure provisions of the act are being ignored.

This is where you don't need to ask for the information — the public body makes information available proactively. In terms of the act, the minister is also supposed to be publishing lists of information automatically available from public bodies.

Imagine that — minutes of meetings, reports, plans, licences and applications, all available at the click of a mouse. That is clearly the way developed democracies are going, and a few new ones. Don't put the onus on the individual citizen to wrest the information away from the state, but instead make the state responsible for sharing information with its people. The digital divide is becoming less important as cellphones become smarter and more people in SA have access to them, and thus can access the information they need.

So why is the government not doing this? Some of it is a records management issue. Some of it is a "not my job" issue, in which, because records management is part of everyone's job, it ends up being no one's job. Some of it may be the belief that no one needs or uses such information, except a small urban elite that is critical of the government and perhaps mostly white, and will just use it to criticise and generally be obnoxious. Of course, it is



true that the most vociferous criticism of the government can be from the chattering classes, in newspapers, and on Facebook. But we have another way of complaining about not being talked to, and given information by the government, which is the so-called service delivery protest. These are on the rise, and suggesting that they are not part and parcel of issues around information is to ignore the obvious.

So if it is a broad-based issue, why not make information more available? Perhaps a deadly combination of fear and arrogance may be the answer. The ruling technocrats see no need for input or feedback from communities. They are the experts, and their systems of implementation, monitoring and evaluation are professionally designed, and need no messing with by people who want to talk about their own lives. And the fear that lurks in most people, that if they put their work on display, subject to the scrutiny of the masses, they will be found wanting.

The commission opens this can of worms once a year in its annual report. The same issues are raised again and again, without concrete solutions being put in place to prevent this recurrence. The answer is not more secrecy, as exemplified in the Protection of Information Bill, but more transparency, more participation, and less fear.

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