



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 772 {NW871E}

INTERNAL QUESTION PAPER NO. 8 of 2023

DATE OF PUBLICATION: 10 March 2023

Mr D W Bryant (DA) to ask the Minister of Forestry, Fisheries and the Environment:

Whether, with respect to the Bool Smuts v Herman Botha judgment in 2022, she has advised the provinces that permitting authorities should inform potential applicants that any information they submit will be in the public domain, thereby removing the rights of the applicants under the Promotion of Access to Information Act, Act 2 of 2000, to object to the information being disclosed; if not, why not; if so, what are the relevant details?

772. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

The Department of Forestry, Fisheries and the Environment (DFFE) is in agreement that if information is already in the public domain, such information can neither be protected in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), nor in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA).

However, it was noted that the judgement neither deals explicitly with how requests for access to information in terms of PAIA and POPIA should be addressed, nor does it create an obligation on the Minister to advise the provincial permitting authorities to inform potential applicants that any information

they submit will be in the public domain, thereby removing the rights of the applicants under PAIA to object to the information being disclosed.

The provincial authorities have their own information officers who regulate the information they have in their possession to ensure compliance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) and the Protection of Personal Information Act, 2013 (Act No.4 of 2013) (POPIA). The information officers in the provinces must ensure that they act according to these prescripts (PAIA and POPIA) and any other applicable court judgements, as well as make applicants aware of how their information will be processed.



MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 17/3/2023