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**12 June 2023**

**To: Minister for Justice and Correctional Services**  
Mr Ronald Lamola  
By email: ministry@justice.gov.za

**Copied: Chairperson, Information Regulator: South Africa**  
Adv Pansy Tlakula

**CEO, Information Regulator: South Africa**  
Mr Mosalanyane Mosala

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Dear Minister Lamola,

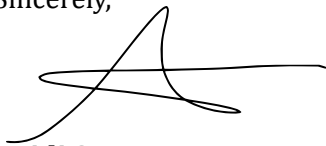
**CONCERN AT PAIA MANUAL EXEMPTION FOR THE STATE SECURITY AGENCY**

1. I write on behalf of Intelwatch, a non-profit organisation promoting public oversight of state and private intelligence and surveillance capabilities both domestically and around the world.
2. We are deeply concerned at the [recent decision](#), dated 23 May 2023, to exempt the State Security Agency from the requirement to produce a manual in terms of the Promotion of Access to Information Act (PAIA).
3. It must be emphasised that the decision does not exempt the Agency from its obligations to process requests for information in terms of PAIA. However, the PAIA manual plays a vital role in facilitating a culture of transparency and accountability, and ensuring functional access-to-information processes in public and private bodies.
4. Regrettably, this exemption appears to be a backward step at a time when strengthening transparency and accountability at the Agency is a stated priority for government, and a matter of considerable public interest. The Judicial Commission of Inquiry on State Capture and the High-level Review Panel on the State Security Agency both made findings that the State Security Agency has operated with excessive secrecy beyond what is justified by legitimate national security reasons.
5. To this point, though the stated grounds for the exemption are 'security reasons', it is unclear what security risks a PAIA manual would attract, as it serves only to give guidance on making information requests, and its contents are necessarily non-sensitive. Indeed,

prior to the exemption issued on 23 May 2023, the Agency had recently published an updated [PAIA manual on its website](#). The SSA PAIA Manual is attached to this letter for reference.

6. In light of these concerns, and given that the Agency has demonstrated that it can produce a PAIA manual without apparent security risks, we urge you to withdraw the decision to exempt the SSA from producing a PAIA manual.
7. Further, we urge the Department, the Information Regulator, and Parliament to engage further with the Agency to ensure the smooth functioning of its processes in terms of PAIA, and any other appropriate transparency measures, until the recommendations of the High-level Panel and Zondo Commission are fully implemented.

Sincerely,

A handwritten signature in black ink, appearing to be 'Heidi Swart', with a long horizontal stroke extending to the right.

**Heidi Swart**

Intelwatch: Research and Journalism Coordinator  
research@intelwatch.org.za

*Ends.*