



RIGHT2KNOW

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6 APRIL 2018

TO: Adv Pansy Tlakula
Chairperson, The Information Regulator
SALU Building
316 Thabo Sehume Street
PRETORIA
Ms Mmamoroke Mphelo
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Dear Advocate Pansy Tlakula

Inquiry Regarding the Operations of the Information Regulator

We are the Right2Know Campaign (R2K), a mass based movement that was formed in response to the Protection of State Information Bill (The Secrecy Bill), in 2010. Our aims are to ensure: that people's right of access to information is protected and that they are able to enjoy it; that everyone has the right to share information, including opinion freely and equally; that there is a free and diverse media in the country; and that values of transparency and accountability are a reality.

We write as a result of our concerns about the present state and functioning of the Information Regulator. We value the envisioned role and purpose of the Information Regulator – of ensuring access to information and also of protecting personal information. We believe that the Information Regulator is one of the cardinal institutions in our country that are purposed to strengthen our constitutional democracy.

Although the vision for establishing the Information Regulator is laudable, we are concerned that delays in fully establishing and capacitating the Information Regulator are placing our hard won democracy in jeopardy. As an example, on 19 October 2017 the R2K Campaign complained to the Information Regulator about the Master deeds Data Breach and we never received any written confirmation of receipt, let alone a finding on our complaint. The complaint can be found here: <http://www.r2k.org.za/2017/10/20/r2k-complaint-to-information-regulator-massive-breach-of-personal-information/>

2018/9 National Working Group: Alison Tilley, Biko Chisuvi, Carina Conradie, Cleo Shezi, Dale McKinley, Gcina Makhoba, Ghalib Ghalant, Mhlobo Gunguluzi, Mshengu Tshabalala, Muzi Mkhize, Ngazini Ngidi, Sinenhlahlha Manqele, Wendy Pekeur.

We are moreover, surprised at the sheer silence of the Information Regulator on issues involving personal information that we have seen in the country in the last year, such as the common practice by political parties to send unsolicited messages to people's personal phones even though those people are not members of the party concerned and have not consented to their details being used in this way. Furthermore, as a mass based organisation, we are concerned about the lack of visibility of the Information Regulator in communities across the country and the lack of information around how to contact the Information Regulator.

As the R2K, we would like to request information regarding the following:

- Is the Information Regulator fully functional/has it been capacitated to fulfil its constitutional and legal mandate both in terms of human and financial resources? If yes, how so?
- If the Information Regulator is not fully functional, when will it be fully functional and what has been put in place to ensure that in the interim, access to information and the protection of personal information are not compromised?
- Has the Information Regulator received any complaints or requests to investigate particular conduct? If yes, how many such requests/complaints have been received to date?
- How many of these complaints/requests have been dealt with fully, how many are in the process of being dealt with and how many have not been dealt with at all?
- Of the ones that have been dealt with, how many have been resolved and how many have not been resolved?
- What steps are being taken or have been taken in respect of the cases that have not been resolved?
- What conclusions/resolutions were reached in the cases resolved?
- If there are complaints/requests that have not been addressed, what is the reason for this?

Kindly furnish us with the above information by **Monday 23 April 2018.**

As R2K, we are committed to assisting and working with the Information Regulator. In addition, we are also available to meet with yourself and/or any member of the Information Regulator in order to discuss any of the above issues and any other matter that the Information Regulator would like to discuss with us.

Signed on behalf of: Centre for Environmental Rights, Public Service Accountability Monitor, and the Southern African Faith Communities' Environment Institute.

Sincerely Yours
Mluleki Marongo
Right of Access to Information Organiser
The Right2Know Campaign
5th floor, Heerengracht Building

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