

Time Frame

Procedurally Designated time delay

PAIA	→		Extensions	→		Refusal	→		Internal Appeal	→		Decision	→		
	S 25(1)	30 days		S 26(1)	30 days		S 75(1)	30/60 days		S 77	30 days		S 78(2)	30 days ↓ (consider Brummer's case)	Appeal to Court
	↓			↓			↓			↓			↓		
POI B	→		Internal Appeal and Decision	→		Appeal to Court	→		Unpredictable	→					
S 24(2)	90 days	S 25(3)		90 days	Unpredictable										
↓		↓													
S 25(2)	30 days														

Time periods granted in favour of the requester are highlighted in shaded blocks. Although the purpose of these periods is to assist requesters by granting them enough time to lodge an appeal, periods still have to be taken into account fully as it is the

requesters right to exhaust them. PAIA therefore allows a delay of up to 180 days when requesting publicly held information and up to 120 days when requesting privately held information. That is merely the time needed to exhaust the procedure and enter into court litigation which therefore takes an unpredictable amount of additional time.

PAIA's procedure does not provide for any acceleration in case of an urgent application. One positive note is that PAIA restricts the right to appeal against the internal appeal decision to the requester and third parties, so disclosure cannot be delayed or prevented by an appeal of the requested body.

POI also allows a delay of up to 180 days. If the requester is dissatisfied with the outcome of the appeal to the Minister, he/she has an inherent right in terms of section 34 of the Constitution to the decision of the Minister.