Recommendations
Access to
Information

The provisions made for access to information reflect South Africa's commitment to an open society, encompassing international principles regarding access and freedom in the sphere of information.

Practically, as is clear, there is a great deal of work to be done to ensure that these provisions become a demonstrable part of the lives of South Africans. However, a number of immediate or early steps can be taken to improve the communication and information environment and make it more responsive to the needs of an open society..

OPEN DEMOCRACY LEGISLATION

The establishment of a statutory environment which guarantees the citizen right of access to government information is essential. It is noted, however, that:
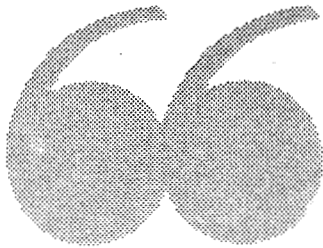
- the promulgation of the legislation has been delayed for a number of reasons, including cost of implementation;
- the implementation of the legislation needs to be linked into the overall proposed networks designed to deliver information at local level. If it does not do so, the ODA runs the danger of serving only business and the press and failing in its major objective - the provision of information to the mass of South Africans.
- It is the view of the Task Group that the GCIS should, in the process of ensuring the delivery of information at community level, create an environment in which obligations of the ODA can be met with regard to all South Africans. And that,
- The ODA should be promulgated (after due process through Parliament) as soon as that capacity has been realised.

Recommendation 68
The GCIS should do all within its powers to promote an environment conducive to the full public use of the Open Democracy Act by all South Africans.

REMOVAL OF ANACHRONISTIC CENSORSHIP LEGISLATION

We propose that antiquated censorship legislation be identified as a matter of urgency. It should then be referred to Cabinet and Parliament for repeal according to the established processes.

Recommendation 69

It is proposed that restrictive and anachronistic legislation be identified and removed from the statute books.

PLAIN LANGUAGE AND ACCESS TO INFORMATION

The demand for information in language that is accessible and understandable by its users is growing all over the world.

It has been shown that the use of plain language by governments has not only played a considerable role in the development of a more informed and empowered public, but has also saved governments large sums of money. It has also been noted in submissions and international experience, that a lack of understanding of government documentation affects conformity with requirements, poor access to benefits, high rejection rates, and demands large numbers of personnel to clarify and explain to the public what should have been clear in the first place. Sometimes public safety is affected, as when the type size and language style of instructions on medication is inaccessible to the user.

It is therefore recommended that government conducts an investigation of government documentation and produces proposals on actions to be taken in this regard, including a cost efficiency study. Once such proposals have been developed and are implementable, government should issue a series of regulations with the requirement that the language and design of all new documentation be accessible and appropriate to its audience;

Recommendation 70

It is proposed that the Cabinet Committee on the Information Economy be set up to investigate and make recommendations on strategy with regard to plain and accessible government documentation.

Recommendation 71

It is proposed that, following these recommendations, government issue a series of regulations/directives with regard to all new government documents.

This documentation should include legislation, regulations, white papers and other policy documents, government forms, standard letters as well as standard contracts.

At a later stage, key existing documents should be 'translated' into accessible language.

Recommendation 72

It is proposed that key existing documents be 'translated' into plain language and designed in a way that is accessible.

It is also recommended that consideration be given to the introduction of a language unit in Parliament to ensure that the language and layout of legislation is accessible to the public.

Recommendation 73

It is proposed that a language unit be developed in Parliament to check, according to established and agreed guidelines, the language of legislation before it is promulgated and after it has been through the formal legal and parliamentary process.

It is noted that the Pan Language Board is in the process of developing language policy. In addition to the 11 South African languages, however, the Task Group wishes to highlight the necessity to include special languages, such as braille and signing, in communications and information policy at all levels.

Recommendation 74

It is proposed that special languages, such as braille and signing, should - in line with the Bill of Rights Equality Clause - be incorporated for all practical purposes in the design of government communications.

ACCESS TO GOVERNMENT DOCUMENTATION

There are a number of impediments (some contractual) to the dissemination of government documentation. Legal opinion[56] provided to the Task Group indicates that such information should be disseminated without restriction and cannot be copyrighted by commercial concerns or otherwise restricted. Government information should be available to the public who should not have to rely on commercial concerns with proprietary rights as their only source.

It is therefore recommended that Departments and Statutory bodies be required to make all documentation printed by the Government Printer and others available in electronic form to:

- the new GCIS electronic network for immediate distribution;
- libraries and Community Information Service Centres and other places of public information.

Recommendation 75

It is proposed that all non secret government documentation be made available to the public via the new government information technology network as well as public libraries and other information centres throughout the country.

It is further recommended that some means is found to provide for the comprehensive cataloguing of all government documentation.

Recommendation 76

It is proposed that cataloguing of all government documentation, past and present, takes place.

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56.   See Annexure 21