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FREE GUIDE · POPIA & DATA

Does my business need a PAIA manual?

Almost certainly, yes. Since 1 January 2022, every private body in South Africa must have a PAIA manual under section 51 of the Promotion of Access to Information Act. That includes sole proprietors, partnerships, close corporations and companies of every size. The small-business exemption that many owners still rely on ended on 31 December 2021 and was not renewed.

REVIEWED BY THE ELS TEAM

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AT A GLANCE

- Every private body has needed a PAIA manual since **1 January 2022**, including sole proprietors.
- The small-business exemption **lapsed on 31 December 2021**.
- Publish it on your **website** and keep it at your main place of business. You don't submit it unless asked.
- Review it at least **once a year**, and whenever something important changes.

What is a PAIA manual?

A PAIA manual is a public document that explains what records your business holds and how someone can ask for access to them. The Promotion of Access to Information Act (PAIA) gives people a right to request information from private bodies when they need it to exercise or protect a right.

The manual is your business's answer to the question: "If I want information you hold, how do I ask, who do I ask, and what will it cost?" Since POPIA came into force, it must also describe how you handle personal information.

Who needs one?

PAIA calls the businesses it covers "private bodies". That includes:

- A person who runs a trade, business or profession (a sole proprietor), in that capacity.
- A partnership.
- Any company, close corporation, trust or other juristic person, including non-profits.

For years, smaller private bodies were exempt. Businesses below a set number of employees and annual turnover in their sector didn't have to compile a manual. The Minister extended that exemption several times, and the Information Regulator described the final extension as the last one. It lapsed on 31 December 2021.

Watch out for old advice. If you read an older article saying "businesses with fewer than 50 employees don't need a PAIA manual", it's out of date.

What must a PAIA manual contain?

Section 51 of PAIA, as amended by POPIA, sets out the contents. In plain language, your manual needs:

1. **Contact details** for the head of the business (postal and street address, phone number and email). The head is usually the owner, managing director or CEO, and they are also the Information Officer under POPIA.
2. **A description of the Information Regulator's PAIA Guide,** which explains how to use the Act, and where to get a copy.
3. **The subjects and categories of records you hold,** in enough detail for someone to make a request (for example: company records, financial records, HR records, client records).
4. **Records available without a formal request,** if you have published a notice listing them.
5. **Records you keep because other laws require it,** such as tax, labour and company records.
6. **The request process and fees:** how to submit a request, the prescribed form, and the fees set by regulation.
7. **POPIA information:** why you process personal information, the categories of people and information involved, who you share it with, whether you send it outside South Africa, and a general description of your security measures.

The Information Regulator publishes a template for private bodies that follows this structure. It's a useful starting point, but a manual still has to describe what your business actually does and holds.

Where does it have to be available?

You don't send your manual to the Information Regulator unless it asks for it. You do have to make it available:

- **On your website,** if you have one. Most businesses link to it in the footer, next to the privacy policy.
- **At your principal place of business,** for anyone who wants to inspect it.
- **To anyone who asks for a copy,** and to the Information Regulator on request.

How often should you update it?

Section 51(2) requires the head of the business to update the manual regularly. In practice, review it at least once a year and whenever something important changes: a new address, a new Information Officer, new types of records, a new service provider handling personal data, or data being sent to a new country.

What happens if you don't have one?

Not having a manual is a compliance failure under PAIA, and it's often one of the first things checked when someone complains to the Information Regulator. PAIA makes a wilful or grossly negligent failure to comply with section 51 an offence.

The more practical risk is commercial. Larger clients, banks and corporate procurement teams increasingly ask suppliers to show basic POPIA and PAIA compliance before signing. A missing manual is an easy reason to fail that check.

> **Annual reporting.** The Information Regulator has also asked private bodies to submit annual PAIA reports on requests received. Check the Regulator's current notice for the reporting deadline that applies to you.

Frequently asked questions

I'm a sole proprietor working from home. Do I really need a PAIA manual?

Yes. A person carrying on a business or profession is a private body under PAIA in that capacity, and the exemption for small businesses no longer applies.

Is a PAIA manual the same as a privacy policy?

No. A privacy policy (or privacy notice) tells people how you collect and use their personal information under POPIA. A PAIA manual explains what records you hold and how to request access. Many businesses need both, and they should be consistent with each other.

Do I need to register my PAIA manual with the Information Regulator?

No. You publish it and keep it available. What you do need to register with the Regulator is your Information Officer.

Can I just download a free template?

The Regulator's template is a fair starting point. The risk with any template is that it describes records, processing or service providers that don't match your business, which defeats its purpose.

Get a PAIA manual drafted for your business

The ELS **PAIA Manual** is attorney-drafted to the section 51 structure, including the POPIA sections. For full data protection compliance in one purchase, the **POPIA Compliance Pack** adds your privacy notice, internal policy, operator undertaking and consent form. You can also see ELS's own PAIA manual.

SEE THE PAIA MANUAL

SEE THE POPIA COMPLIANCE PACK

INFORMATION, NOT ADVICE

ELS provides legal information, not legal advice. Nothing in this guide creates an attorney-client relationship. For advice on your specific situation, consult a qualified attorney. The law is stated as at 18 September 2026.

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