

**Universities and the Promotion of Access to Information Act in
South Africa: A Comparative Study of Public Universities in
Gauteng Province**

by

Angelina Mazibuko

Student number: 58526307

Submitted in accordance with the requirements for the degree

of

Doctor of Philosophy and Literature

In the subject

Information Science

at the

University of South Africa, Pretoria

THESIS

Supervisor: Dr Isabel Schellnack-Kelly

Co-supervisor: Prof. Antonio Rodrigues

June 2020

ABSTRACT

In the year 2000, the South African government passed the Promotion of Access to Information Act (PAIA) to give effect to the constitutional right to access information held by a public body. A year later, in 2001, PAIA was enforced. This Act enables people to access information in order to exercise or protect their rights, as enshrined in the Constitution of the Republic of South Africa. Subsequently, government established the South African Human Rights Commission (SAHRC) to promote, protect and monitor human rights. Access to information is a human right. Thus, the SAHRC is responsible for promoting and monitoring compliance with PAIA in public bodies.

According to various SAHRC reports, many public universities in South Africa do not comply with PAIA. This failure to implement and comply with PAIA is disempowering for university stakeholders. Accordingly, this study sought to identify the factors affecting compliance/non-compliance with PAIA sections 14, 15, 17 and 32 in public universities of Gauteng province.

The study adopted a qualitative methodology within a phenomenological genre. The Interpretive Phenomenological Analysis (IPA) guided the research design. The researcher purposively selected a single person from the SAHRC with whom to conduct a face-to-face interview. A voice recorder captured the interview. The researcher transcribed the recording into a text document. Subsequently, document reviews helped to corroborate the data emanating from the interview.

The study identified three major factors affecting compliance in the six universities under study: firstly, a lack of political will – government is reneging on its commitment to make PAIA work; secondly, the poor implementation of PAIA by the SAHRC; and thirdly, the culture of secrecy that is endemic in public universities in South Africa. The three themes constitute the findings of this study.

The researcher recommends that the SAHRC or the Regulator should adopt a compliance model that would ensure the effective implementation of, and compliance with, PAIA in public universities in South Africa.

Keywords: Compliance, human rights, constitution, stakeholders, implementation, secrecy, political will

OPSOMMING

In 2000 het die Suid-Afrikaanse regering die Wet op die Bevordering van Toegang tot Inligting (PAIA) goedgekeur om uitvoering te gee aan die grondwetlike reg op toegang tot inligting wat deur 'n openbare liggaam gehou word. 'N Jaar later, in 2001, is PAIA afgedwing. PAIA stel mense in staat om toegang tot inligting te verkry om hul regte, soos vervat in die grondwet van die Republiek van Suid-Afrika, uit te oefen of te beskerm. Die regering het die Suid-Afrikaanse Menseregtekommissie (SAMRK) gestig om menseregte te bevorder, te beskerm en te monitor. Toegang tot inligting is 'n mensereg. Die SAMRK is dus verantwoordelik vir die bevordering en monitering van die nakoming van PAIA in openbare liggame.

Volgens verskeie SAMRK-verslae voldoen baie openbare universiteite in Suid-Afrika nie aan PAIA nie. Die versuim van die universiteite om die PAIA te implementeer en na te kom, is bemagtigend vir belanghebbendes. Hierdie studie poog om faktore wat nakoming / nie-nakoming van PAIA-artikels 14, 15, 17 & 32 in openbare universiteite van die provinsie Gauteng beïnvloed, te identifiseer.

Die studie gebruik 'n kwalitatiewe metodologie van die fenomenologiese genre. Die navorsingsontwerp het 'n interpretatiewe fenomenologiese analise (IPA) gelei. Die navorser het doelbewus 'n enkele persoon uit die SAMRK gekies om 'n persoonlike onderhoud te voer. 'N Stemopnemer het die onderhoud vasgelê. Daarna het die navorser die opname in teksformaat getranskribeer. Daarbenewens het die navorser dokumentbeoordelings gedoen om gegewens uit die onderhoud te bevestig.

Die studie het drie belangrike faktore geïdentifiseer wat voldoening in die ses universiteite wat bestudeer is, beïnvloed. In die eerste plek is dit 'n gebrek aan politieke wil - die regering gee weer afstand van sy toewyding om PAIA te laat werk. Tweedens, die swak implementering van PAIA deur die SAMRK. Laastens is die geheimhoudingskultuur endemies by openbare universiteite in Suid-Afrika.

Die drie temas vorm die bevindings van hierdie studie. Die navorser beveel aan dat die SAMRK of die Reguleerder 'n nakomingsmodel moet aanneem wat die effektiewe implementering en nakoming van PAIA by openbare universiteite in Suid-Afrika sal verseker.

Sleutelwoorden: Nakoming, menseregte, grondwet, belanghebbendes, implementering, geheimhouding, politieke wil.

UMQONDO OFINQIWE

Ngonyaka ka-2000, uhulumeni waseNingizimu Afrika waphasisa UMthetho Wokukhuthaza Ukufinyelela Olwazini (i-PAIA) ukuthi usebenzise ilungelo loMthetho-sisekelo lokuthola ulwazi oluphethwe yiNhlangotho yoMphakathi. Ngemuva konyaka, ngo-2001, i-PAIA yaphoqelelwa ukusebenza. I-PAIA yenza abantu bakwazi ukufinyelela kulwazi oluzobalekelela ukuba bakwazi ukusebenzisa nokuvikela amalungelo abo oMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika. UHulumeni usungule IKhomishini Yamalungelo Abantu eNingizimu Afrika (i-SAHRC) ukukhuthaza, ukuvikela kanye nokuqapha amalungelo abantu. Ukutholakala kolwazi kuyilungelo lomuntu. Ngakho-ke, i-Khomishini (SAHRC) ibhekele ukukhuthaza, kanye nokubheka ukuhambisana ne-PAIA ezinhlanganweni zomphakathi.

Ngokwemibiko eyahlukahlukene ye-Khomishini, amanyuvesi amaningi omphakathi eNingizimu Afrika awathobeli imigomo ye-PAIA. Ukwehluleka kwamanyuvesi ukwenza njengokunquyiweyo kanye nokuthobela umthetho we-PAIA kwehlisa amandla kulabo ababambe iqhaza. Lolu cwaningo lufuna ukubona izinto ezithinta ukuthobela / nokungathobeli umthetho kulezigaba ze-PAIA 14, 15, 17 & 32 emanyuvesi omphakathi esifundazweni saseGauteng.

Ucwaningo olufanele lusebenzise indlela esezingeni eliphezulu yohlobo lwe-Phenomenology. I-Interpretive Phenomenological Analysis (IPA) iqondise ukwakhiwa kocwaningo. Umcwaningi wakhetha ngenhloso umuntu oyedwa osebenzela iKhomishini (SAHRC) ngoba enolwazi olujulile nge PAIA ukuba bahlanganyele ubuso nobuso lengxoxo. Umrekhoda wezwi wasetshenziswa ukuthwebula ingxoxo. Ngemuva kwalokho, umcwaningi waqopha okurekhodiwe kwaba kufomethi yombhalo. Ngaphezu kwalokho, umcwaningi wenze ukubuyekeza imibhalo ukuze kugcwaliseke amaqiniso atholakele kwingxoxo yobuso nobuso.

Lolu cwaningo lubeze izinto ezintathu ezibalulekile ezithinta ukuthobela nokungathobeli umthetho kulamanyuvesi ayisithupha afundwayo. Okokuqala, kungukuntuleka kwentando yezepolitiki - uhulumeni uyehluleka ukufeza izithembiso zakhe zokuhlinzeka ngezidingo zokwenza i-PAIA isebenze. Okwesibili, iKhomishini (SAHRC) yenze umsebenzi ongagculisi wokufaka iPAIA kumanyuvesi omphakathi.

Okokugcina, isiko lokugcina izimfihlo likhona emanyuvesi omphakathi eNingizimu Afrika. Lezindikimba ezintathu zakha okutholakele kulolu cwaningo.

Umcwaningi utusa i-SAHRC noma iRegulator ukuthi isebenzise imodeli yokulandela umthetho ezoqinisekisa ukwenziwa ngempumelelo, kanye nokuthobela imigomo ye - PAIA emanyuvesi omphakathi eNingizimu Afrika.

Amagama asemqoka: Ukuhambisana, amalungelo abantu, umthetho-sisekelo, ababambiqhaza, ukuqaliswa, ukugcinwa kwemfihlo, intando yezepolitiki.

Table of contents

ABSTRACT	i
OPSOMMING	iii
UMQONDO OFINQIWE	v
List of Figures	xi
List of Tables	xi
Abbreviations and acronyms	xii
Glossary of terms	xiv
CHAPTER ONE	1
GENERAL INTRODUCTION	1
1.1. INTRODUCTION TO THE STUDY	1
1.1.1. Traditional university	6
1.1.2. Comprehensive university	6
1.1.3. University of technology	6
1.2. BACKGROUND TO THE STUDY	6
1.3. STATEMENT OF THE PROBLEM	10
1.4. PURPOSE OF THE STUDY	11
1.5. RESEARCH OBJECTIVES	12
1.6. RESEARCH QUESTIONS	12
1.7. SCOPE AND DELIMITATION OF THE STUDY	13
1.8. JUSTIFICATION FOR THE STUDY	15
1.9. OUTLINE OF RESEARCH METHODOLOGY	15
1.9.1. Research paradigm	16
1.9.2. Choice of methodology	16
1.9.3. Research design	17
1.9.4. Population and sampling	17
1.9.5. Data collection	19
1.9.6. Data analysis	20
1.10. ETHICAL CONSIDERATIONS	20
1.11. OUTLINE OF THE THESIS	21
1.12. SUMMARY OF CHAPTER ONE	22
CHAPTER TWO	24
THEORETICAL FRAMEWORK	24
2.1. INTRODUCTION TO THE CHAPTER	24
2.1.1. Compliance theory	24
2.1.2. General deterrence theory	25
2.1.3. Stakeholder theory	28
2.1.3.1. Stakeholder utility associated with physical goods and services	30
2.1.3.2. Stakeholder utility associated with organisational justice	30
2.1.3.3. Stakeholder utility from affiliation	31
2.1.3.4. Stakeholder utility associated with perceived opportunity costs	31
2.1.4. Accountability theory	32
2.1.4.1. Identifiability	32
2.1.4.2. The expectation of evaluation	32
2.1.4.3. Public awareness and monitoring	33
2.1.4.4. Social presence	33
2.2. SUMMARY OF CHAPTER TWO	33
CHAPTER THREE	35
LITERATURE REVIEW	35

3.1.	INTRODUCTION TO THE CHAPTER.....	35
3.2.	COMPLIANCE/NON-COMPLIANCE WITH ACCESS LEGISLATION.....	35
3.2.1.	Types of non-compliance.....	37
3.2.1.1	Malicious non-compliance	38
3.2.1.2.	Adversarialism	39
3.2.1.3.	Administrative compliance.....	39
3.2.1.4.	Administrative non-compliance.....	40
3.2.1.5.	Administrative activism	40
3.3.	FACTORS INFLUENCING COMPLIANCE/NON-COMPLIANCE	40
3.3.1.	External factors.....	41
3.3.1.1.	Conflicting legislation	41
3.3.1.2.	Availability of resources	42
3.3.1.3.	Law enforcement and sanctions.....	43
3.3.2.	Internal factors	47
3.3.2.1.	Culture of the organisation	48
3.3.2.2.	Records management	50
3.4.	PUBLIC AWARENESS AND EDUCATION.....	54
3.5.	CONDITIONS FOR COMPLIANCE.....	55
3.6.	SUMMARY OF CHAPTER THREE.....	56
	CHAPTER FOUR.....	58
	RESEARCH METHODOLOGY	58
4.1.	INTRODUCTION TO THE CHAPTER.....	58
4.2.	RESEARCH PARADIGM.....	60
4.3.	CHOICE OF METHODOLOGY	64
4.3.1.	Qualitative methodology	64
4.4.	RESEARCH DESIGN	66
4.4.1.	Interpretative phenomenological analysis (IPA).....	66
4.4.1.1.	Key features of IPA.....	67
4.5.	POPULATION AND SAMPLING	76
4.6.	DATA COLLECTION METHODS/TOOLS.....	79
4.6.1.	Interview.....	79
4.6.1.1.	IPA interview	80
4.6.2.	Document reviews	81
4.7.	DATA ANALYSIS.....	81
4.8.	TRUSTWORTHINESS OF THE RESEARCH	82
4.8.1.	Credibility	83
4.8.1.1.	Member checks	83
4.8.1.2.	Triangulation	83
4.8.1.3.	Peer debriefing	84
4.8.2.	Transferability	84
4.8.3.	Dependability	86
4.8.3.1.	Audit trail	86
4.8.3.2.	Triangulation	87
4.8.4.	Confirmability	87
4.8.4.1.	Triangulation	87
4.8.4.2.	Reflexivity	87

4.9.	ETHICAL CONSIDERATIONS	89
4.9.1.	Respect for the person	89
4.9.2.	Beneficence	90
4.9.3.	Justice	90
4.9.4.	Non-maleficence	90
4.10.	SUMMARY OF CHAPTER FOUR	91
	CHAPTER FIVE	92
	DATA ANALYSIS	92
5.1.	INTRODUCTION TO THE CHAPTER	92
5.2.	PRIMARY DATA: ANALYSIS USING IPA GUIDELINES	93
5.2.1.	Reading and note making	93
5.2.2.	Notes to emergent themes	100
5.2.3.	Connecting emergent themes	102
5.2.4.	Producing a table of superordinate and clustered themes	102
5.2.5.	Write up	103
5.2.5.1.	Lack of political will	103
5.2.5.2.	Poor implementation of PAIA	105
5.2.5.3.	Culture of secrecy	107
5.3.	SECONDARY DATA (DOCUMENT REVIEWS)	109
5.4.	SUMMARY OF CHAPTER FIVE	110
	CHAPTER SIX	111
	FINDINGS AND DISCUSSIONS	111
6.1.	INTRODUCTION TO THE CHAPTER	111
6.2.	PRESENTATION AND DISCUSSION OF FINDINGS	111
6.2.1.	Lack of political will	112
6.2.1.1.	The lack of resources	113
6.2.1.2.	Lack of internal appeal mechanisms	115
6.2.1.3.	Lack of enforcement of legislation	116
6.2.1.4.	Ambiguity in the legislation	120
6.2.2.	Poor implementation of the law	121
6.2.2.1.	Training of public officials	122
6.2.2.2.	Public awareness	122
6.2.2.3.	Records management	123
6.2.3.	Culture of secrecy	126
6.2.3.1.	Lack of transparency	127
6.2.3.2.	Institutional culture and records management	129
6.3.	SUMMARY OF CHAPTER SIX	132
	CHAPTER SEVEN	134
	RECOMMENDATIONS AND CONCLUSION	134
7.1.	INTRODUCTION TO THE CHAPTER	134
7.2.	RECOMMENDATIONS	134
7.2.1.	Develop a supportive legislative regime	135
7.2.2.	Instilling a culture of transparency	135
7.2.2.1.	Maintain strong political will	136
7.2.2.2.	Information champions	139
7.2.2.3.	Empower through training and development	141
7.2.2.4.	Harness government–public partnerships	141
7.2.3.	Implement effective systems	142

7.2.3.1. Improve records management.....	142
7.2.3.2. Develop educational resources	142
7.2.3.3. Design and develop electronic systems to promote PAIA.....	143
7.2.3.4. Information delivery	143
7.2.4. Regular monitoring of implementation.....	143
7.2.4.1. Annual reporting	143
7.2.4.2. Recommendations for reforms	144
7.2.4.3. Regular review of the law	144
7.3. CONCLUSION.....	144
LIST OF REFERENCES	147
Appendix 1: Research ethics clearance certificate	190
Appendix 2: Request to collect data.	192
Appendix 3: Letter of consent.	194
Appendix 4: Interview Guide	195
Appendix 5: Interview transcript.....	199
Appendix 6: Document review checklist	208
Appendix 7: Editors letter confirming language editing.....	209

List of Figures

Figure 1: Collaboration with key stakeholders	139
---	-----

List of Tables

Table A: Reporting in terms of section 32 of PAIA.....	11
Table B: Detailed research questions	13
Table C: Types of compliant/non-compliant behaviour.....	38
Table D: Characteristics of the interpretive paradigm.....	63
Table E: Common characteristics of qualitative methodology and their application in this study	65
Table F: Purposive selection.....	78
Table G: Strategies for trustworthiness.....	88
Table H: Reading and note making	94
Table I: Notes to emergent themes.....	100
Table J: Table of superordinate and clustered themes.....	102

Abbreviations and acronyms

AGSA:	Auditor General South Africa
ATI:	Access to information
CHE:	Council on Higher Education
CHET:	Centre for Higher Education Transformation
DHET:	Department of Higher Education and Training
DIO:	Deputy information officer
DoJ:	Department of Justice
FOI:	Freedom of information
GDT:	General deterrence theory
GFT:	Goal framing theory
HESA:	Higher Education South Africa
ICCPR:	International Covenant on Civil and Political Rights
IO:	Information officer
CO:	Compliance officer
ISO:	International Standard Organization
NAIF:	Northern Australia Infrastructure Facility
NARS:	National Archives and Record Service Act, 1996
NGO:	Non-governmental organisation
NSFAS:	National Student Financial Aid Scheme
OECD:	Organization for Economic Cooperation and Development
PAIA:	Promotion of Access to Information Act No. 2 of 2000
PCSN:	PAIA Civil Society Network
POSIB:	Protection of State Information Bill B 6F-2010
R2K:	Right to know
SAHA:	South African History Archives
SADC:	Southern African Development Community
SADF:	South African Defence Force
SAHRC:	South African Human Rights Commission
SPSS:	Statistical Package for the Social Sciences
SOE:	State-owned enterprises
STATSSA:	Statistics South Africa
TRC:	Truth and Reconciliation Commission

TUT:	Tshwane University of Technology
UDHR:	Universal Declaration of Human Rights
UJ:	University of Johannesburg
UK:	United Kingdom
UN:	United Nations
UNESCO:	United Nations Educational Scientific & Cultural Organization
UNISA:	University of South Africa
UP:	University of Pretoria
USA:	United States of America
USAf:	Universities South Africa
VUT:	Vaal University of Technology
WEF:	World Economic Forum
WITS:	University of the Witwatersrand

Glossary of terms

Accountability: the obligations of an individual or organisation to disclose the activities and their results in a transparent manner

Compliance: adherence to rules and regulations

Corruption: the abuse of entrusted power for private gain

Information officer: PAIA defines an “information officer” as the head of the public body or anyone acting in that capacity

Record: refers to any recorded information, regardless of form or medium, in the possession of or under the control of the public or private body, irrespective of the creator

Stakeholder: a person with an interest in or concern about an organisation

Transparency: practices and transactions are open to all for verification

Public body: any other institution exercising a public power or performing a public function in terms of any legislation

CHAPTER ONE

GENERAL INTRODUCTION

1.1. INTRODUCTION TO THE STUDY

The Promotion of Access to Information Act (PAIA), 2000, a tenet of democracy, guarantees the public the legal right to ask for and receive information held in public bodies in South Africa (Milo & Stein 2014: 49). PAIA seeks to foster a culture of transparency, accountability and good governance in public bodies by providing timely, accessible and accurate information to the public (Dimba & Calland 2013). Stakeholders require accurate and reliable information to hold public bodies such as universities accountable; to play an active role in the governance processes of the public entity; and to exercise or protect any of their rights enshrined in the Constitution of the Republic of South Africa (Ehling 2014; Fung 2014).

PAIA provides a framework for the public in terms of which records held by the government, including public bodies such as universities, may be accessed (Arko-Cobbah 2008; SAHRC 2014). PAIA also sets out how public bodies, including universities, should deal with requests for information (Milo & Stein 2014; SAHRC 2014). Responsibility for the promotion of awareness of the PAIA among the public lies with the South African Human Rights Commission (SAHRC) (McKinley 2003). Knowledge and understanding of access legislation such as PAIA is crucial in enabling the public to exercise the constitutional right to access information for use in realising other rights (SAHRC 2012-2013:9).

Although the Constitution refers to accessing information, PAIA focuses on access to records (McKinley 2003; ATI Network 2016). Sebina (2006) cautions that constitutional guarantees of access to information would be futile where quality records are lacking; where access to these records is difficult; or where procedures for records disposal are lacking. Accordingly, the realisation of the right to access information will depend on the efficient management of records by the public body (Shepherd, Stevenson & Flinn 2010; AGSA 2016). Sound records management ensures that PAIA will be effectively implemented in the public body or university (Arko-Cobbah 2008; Kaka 2016). Hence, this study seeks to determine the factors affecting compliance or non-

compliance with sections 14, 15, 17 & 32 of PAIA in public universities in Gauteng province:

- i) Section 14 of PAIA requires that public bodies, including universities should compile an 'information manual'. This manual guides the public on how to access records held by the public body. The information manual
 - should include the types of records held by the public body, both those that are accessible using a formal request form and those that are readily available to the public
 - should include the contact details of both the information officer and deputy information officer to facilitate access to records
 - should include detailed procedures for accessing these records
 - must be translated into any three of the eleven official languages used in South Africa.
- ii) Section 15 of PAIA states that the information officer of the public body should submit a voluntary disclosure notice to the Minister of Justice, describing the records of the public body that are readily available to the public without their having to fill in a formal request form. The public body must update this voluntary disclosure notice annually.
- iii) Section 17 of PAIA compels the information officer of the public body to designate a person or persons as deputy information officer(s) to deal with requests for information held by the public body or, in this case, the university. PAIA defines an "information officer" as the head of the public body or anyone acting in that capacity (RSA 2000:7). The information officer of a public body has direction and control over its deputy information officer/s and the information officer may delegate in writing, power or duties conferred on him/her by this Act to a deputy information officer/s. This delegation of power or duty does not prohibit the person who delegated from exercising the power concerned or performing the duty imposed to him/her by the Act. In addition, the information officer may at any time withdraw or amend in writing any delegation of power or duty to the deputy information officer/s. The information officer of a public body is accountable for compliance with the PAIA in the respective public entity (SAHRC 2001).

- iv) Section 32 of PAIA obligates the information officer of a public body to submit a detailed report annually to the Human Rights Commission, stating how the public body has handled requests for records. The report should clearly indicate
- the number of requests for access to records that were received by the public body in the current year
 - how many of these requests for access were granted in full
 - how many of these requests for access were granted in terms of section 46 (section 46 states that the public interest in the disclosure of a record outweighs the harm contemplated in the provision in question)
 - how many requests for access were refused completely
 - how many of these requests for access were partially refused
 - how many times the public body used specific provisions of this Act to refuse access in full or partially (RSA 2000:21).
 - how many appeals against the decision of the public body were lodged with a court of law
 - how many appeals to access information were granted by the courts (RSA 2000:21).

Together, sections 14, 15, 17 and 32 provide the background for this study to determine universities' compliance with PAIA.

Public universities in South Africa receive both funding and their mandate from the government. Although they enjoy some autonomy, they are accountable to the State in terms of the Higher Education Act 101 of 1997 (Bunting & Cloete 2013; Bozzoli 2015). Therefore, their activities are under public scrutiny as the public wants to know how they are spending their tax money (Moyo, Hoffmann & McKenna 2016). However, universities tend to keep their business secret in order to have an advantage over their competition (Huang 2011:28; Huang & Chen 2017) and this practice unfortunately promotes a culture of secrecy in universities. It is therefore crucial that university activities should be transparent to allow stakeholder participation in the decision-making processes of the institution and to promote accountability and good governance (Muneer, Abd-El Moemen, & Khaders 2014; Basnan, Salleh, Ahmad, Upawi & Harun 2016).

To make informed decisions about university operations stakeholders require accurate and reliable information (Basnan et al. 2016). Mojapelo and Ngoepe (2017) believe that sound recordkeeping practices ensure access to accurate and reliable information by the public. Accessing information held by public bodies is possible if these bodies, including universities, make known the records in their custody, and how they can be accessed by the public (Marais, Quayle & Burns 2017). Thus, records management is critical in supporting the implementation of, and compliance with, PAIA (Kyobe, Molai & Salie 2009; Kaka 2016).

Records management provides a system for creating/receiving, maintaining, using, storing and disposing of records in a responsible and legitimate way (ISO 15489-1:2016). Thus, some public bodies, including universities, deploy electronic systems to manage the life cycle of a record so that it is easily accessible (Kyobe et al. 2009; Krueger 2013). Advanced electronic records management systems provide functionality that supports the implementation of access legislation and enables compliance with relevant legislation (Kyobe et al. 2009). Security features such as workflow and tracking devices assist in monitoring activities in the electronic records management system (Whitman & Mattord 2018). The electronic system used to manage PAIA should also have a tracking device to monitor the requests received and how they were handled (Krueger 2013; Whitman & Mattord 2018). Such a system will generate statistics for use in compiling the annual report for submission to the SAHRC (Whitman & Mattord 2018). The interoperability of different systems and software applications allows for the efficient retrieval of information and a timeous response to requests (Orobor 2014).

The efficient flow, access to and use of reliable information in universities empowers graduates to prepare for the world of work, thus increasing the productivity of nations (Pouris & Inglesi-Lotz 2014; Goodchild van Hilten 2015; Mbeki 2015). South African universities are also involved in the exchange of staff and students with universities in other countries of the world through study exchange programmes (Zezeza 2016; Department of Higher Education & Training 2017). The continued success of these exchange programmes depends on access to reliable information (UNESCO 1998; Ignatief 2018; O'Malley 2019).

In relation with this study, Morrison (2001:277) wrote,

... if the university does not take seriously and rigorously its role as the guardian of wider freedoms, as interrogator of more and more complex ethical problems, as servant and preserver of deeper democratic practices, then some other regime or ménage of regimes will do it for us and without us.

Compliance with access legislation is imperative and ensures that universities are transparent, accountable and properly governed (AGSA 2011; Morgan 2015; World Bank 2016).

At the time of writing, PAIA has been in place for 19 years and, by now, no one expects administrative/technical compliance to be a contentious issue. However, the pace in Africa is slower than in developed countries, like the United States of America, the United Kingdom and Australia, to mention but a few (LaMay, Freeman & Winfield 2013; Mohan 2014; Odinkalu & Kadiri 2014). Hence, scholars agree that although African countries have adopted freedom of information legislation, most of them are still struggling to implement these laws successfully (Darch & Underwood 2010; Omotayo 2015; Turner 2017).

This study will explore factors contributing to the dismal levels of compliance with PAIA by public universities in Gauteng province, South Africa, in relation to the following:

- publishing an information manual for the university (s 14)
- proactive disclosure and automatic availability of certain records (s 15)
- designation of deputy information officer (section 17), and
- submission of the annual report to the SAHRC (s 32).

Although PAIA does not impose records management as a precondition for compliance with the Act, the *PAIA Annual Report 2015–2017* recommended that the law should include records management as a precondition for complying with the ACT (SAHRC 2015–2017). For this study, Gauteng province was preferred to other provinces because it has six public universities (Bunting & Cloete 2010; USAf 2017). These universities are representative of the three types found in South Africa, namely the traditional university, the comprehensive university and the university of technology: These will be discussed in more detail in the following sections:

1.1.1. Traditional university

Traditional universities are more research intensive and provide general academic programmes (Bunting & Cloete 2010). Examples are the University of the Witwatersrand and the University of Pretoria (Bunting & Cloete 2010).

1.1.2. Comprehensive university

A comprehensive university is the result of a merger between a university and a university of technology. Examples include the University of South Africa, which merged with Technikon South Africa, and the Rand Afrikaans Universiteit, which merged with WITS Technikon to form the University of Johannesburg (Bunting & Cloete 2010). A comprehensive university provides career-focused and general academic programmes (Bunting & Cloete 2010).

1.1.3. University of technology

University of technology is a new form of higher education institution, which replaces the former technikons. Examples are the former Pretoria Technikon, and Garankuwa Technikon which merged to become the Tshwane University of Technology, as well as the former Vaal Triangle Technikon which is now the Vaal University of Technology. Universities of technology provides career-focused programmes (Bunting & Cloete 2010).

Gauteng has two of each type of university listed above (USAf 2017). The study will not focus on private universities because their obligations to PAIA are slightly different from those of the public bodies. In this study, purposive sampling was preferred to identify participants for collecting primary data in the respective universities. Based on the findings, the researcher will develop a model to assist universities in complying fully with PAIA.

1.2. BACKGROUND TO THE STUDY

The exponential growth in the adoption of access to information laws across the globe bears testimony to the fact that information is power (Basnett & McNamara 2015). The phrase 'information is power' encapsulates the importance of access to information for creating new knowledge and wielding power (Zepeda, Mayers & Benson 2013). In 1766, Sweden became the first country in the world to adopt access to information

legislation, after which other countries in the developed world followed suit (Mustonen 2006). Access to information legislation takes different forms in different countries. Countries such as the United States of America, the United Kingdom and Nigeria, to mention but a few, refer to it as “freedom of information (FOI)”, while countries such as Canada and South Africa call it “access to information” (ATI) legislation (Vleugels 2012).

Freedom of information was also recognised as a fundamental human right by the first session of the United Nations (UN) General Assembly in 1946 (Mendel 2008). The UN accordingly adopted Resolution 59(1), which reads: “Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated” (Mendel 2008:12). When Sweden adopted FOI legislation, a “right to know” legal process was established through which the public can request information held by the government at a minimal cost (Mustonen 2006; Salgado 2013).

The right to know is also proclaimed in Article 19 of the Universal Declaration of Human Rights (UN 1948). The UDHR is a non-legally binding document and thus, human rights treaties were subsequently negotiated and signed to transform the Declaration into legally binding obligations (Willmott-Harrop 2001). In 1966, that is 18 years later, the United Nations adopted the International Covenant on Civil and Political Rights (ICCPR) which entered into force on 23 March 1976. Other treaties have been recognised, including the European Convention on Human Rights (1950), Article 9 of the African Charter on Human and People’s Rights (1981), and Article 4 of the Declaration of Principles on Freedom of Expression in Africa (2002). These treaties were signed to protect the right to know (Willmott-Harrop 2001).

In due course, African countries jumped on the bandwagon of compliance and promotion of access to information. In particular, South Africa was the first African country to endorse AOI legislation (McKinley 2003; Diallo & Calland 2013; Banisar 2017). The new democratic dispensation in South Africa enshrined in the Constitution of the Republic of South Africa (RSA 1996a) the right to access information (PAIA s 32). Four years later, in 2000, government passed the Promotion of Access to Information Act (PAIA) to give effect to the constitutional right of access to information. The purpose of PAIA is to instil a culture of transparency, accountability and good governance in public and private organisations (McKinley 2003). Access to information

is a basic human right (McKinley 2003). Thus, the South African Human Rights Commission (SAHRC) was tasked to promote PAIA and monitor compliance with the ACT in public and private bodies.

Although the SAHRC is responsible for monitoring compliance with PAIA, it does not have the authority to enforce the law (SAHRC 2014). This lack of enforceability in effect means that the law is reduced to a general pledge (LaMay et al. 2013). Consequently, an aggrieved party must escalate the matter to the courts to invoke the constitutionality of access to information. Many South Africans, however, do not have the money to contract lawyers to fight their battles against public bodies, including universities (Roling 2007). Hence, public bodies, including universities, are complacent with the status quo. This claim of complacency is corroborated in the PAIA Annual Report 2014-2015, which states that only three of the 26 public universities comply with the administrative obligations of PAIA (SAHRC 2014-2015). This situation is cause for concern.

Other African countries are still working towards passing access laws of their own (LaMay et al. 2013). Passing such laws in Africa became easier with the recent adoption in 2013 of the Model Law on Access to Information for Africa (African Commission on Human & People's Rights 2013). This model law is a template that any country can adapt to create access law, rather than follow a long and tedious process. Consequently, the model law has helped countries in Africa such as Malawi, Mozambique, Ghana and Namibia to pass their own FOI laws (African Commission on Human and People's Rights 2013; SAHA 2013). The increase in laws providing rights to access information reflects the prevailing belief that access to information is an essential pillar in a strategy to improve governance, reduce corruption, strengthen democracy through enhanced participation and increase development (Darch & Underwood 2010; Van der Berg 2017).

In South Africa, PAIA provides a framework for the public to access records held by the government, including public bodies such as universities. PAIA also sets out how public bodies, including universities, should deal with requests for information. Further, PAIA promotes awareness of the Act among the public to enable them to exercise their constitutional right to access information (SAHRC 2001). Although the Constitution refers to accessing information, PAIA focuses on access to records

(Currie & Klaaren 2002; McKinley 2003; Diallo & Calland 2013). As public bodies, South African universities are legally obliged to comply with the demands of PAIA. A “public body” is “any other institution, exercising a public power, or performing a public function in terms of any legislation” (RSA 2000:8).

The South African government provides public universities with funding, including student loans and research grants. The rest of their income emanates from student fees, bursaries and donations (Bozzoli 2015; Jarvis 2015; USAf 2016). Hence, universities are accountable to the state and indirectly to the public on the spending of the public fiscus and therefore their activities are subject to public scrutiny (Mabelebele 2014; Moyo et al. 2016).

Ironically, universities in both developed and developing countries are reluctant to make stakeholders understand how they do business (Kigotho 2013; O’Byrne 2015). For example, in Australia, an FOI editor for Channel 7, Ms Alison Sandy, used FOI to request police to release information related to sexual assault complaints connected to specific universities. The request made to the police followed unsuccessful attempts to get information directly from these universities. Police documents revealed a shocking number of sexual assault cases reported to have taken place in the universities (Funnell 2016).

In Nigeria, media reports have indicated that several universities do not follow procedures in promoting academics to professorship level. Hence, the Association of Vice-Chancellors of Nigerian Universities (AVCNU) unanimously proposed to the National University Commission to stop this trend which threatens the integrity of some universities (Fatunde 2016). In South Africa and Australia, some students received pass marks in exchange for sex with lecturers (Lane 2010; Ndabeni 2013). South African media reports also reveal gross maladministration in certain universities. For instance, at Walter Sisulu University, one student was awarded a R14 million NSFAS allowance (Mokone 2017), while the University of Zululand is accused of corruption in tender processes (Mathope 2017). In some cases, university policies and procedures to guide the actions of management and staff are lacking, hence malpractice is rife (Chinyemba & Ngulube 2005; Poisson & Hallak 2006; Phakathi 2017). Further, the tendency of universities to have a committee and board members sign secrecy

agreements is damaging to transparency and academic freedom (Donaldson & Kingsbury 2013; Canadian Association of University Teachers 2016).

The above examples highlight the reluctance of many universities to provide information about how they operate their business proactively. Scholars contend that transparency has not been a defining characteristic of higher education. They maintain that most of the sacred aspects of academia remain cloaked in secrecy (Choudaha 2013; O'Byrne 2015) and secrecy breeds corruption (McKinley 2013; Kusnetz 2015; Jones 2017). Corruption in education in all its different shades is a violation of human rights, and we should resist it at all costs (Kigotho 2013; Corruption Watch 2014; Serfontein & De Waal 2015).

1.3. STATEMENT OF THE PROBLEM

PAIA enables people to access information held by public bodies to exercise, or protect, their constitutional rights. Overall, PAIA seeks to instil a culture of transparency and accountable governance in public bodies, including universities (Kaka 2016). Transparency in a public university encourages institutional trust, prevents corrupt practices and encourages compliance with public policies such as PAIA (de Mingo & Martinez 2018). Transparency and access to information depend on good recordkeeping practices (Sebina 2006; Kaka 2016). 2018). However, scholars argue that records are unkept in many public universities in South Africa. These universities also struggle to implement and comply with the basic provisions of PAIA. These provisions include publishing the section 14 manual, publishing the Section 15 Notice, appointing the deputy information officer(s), and submitting the section 32 report annually to the SAHRC. Both the PAIA Annual Reports 2015–2017 and 2018–2019 paint a bleak picture of compliance with section 32 among the six public universities under study (see Table A in § 1.3). Failure to implement and comply with PAIA in these universities is disempowering for stakeholders, resulting in them being unable to exercise or protect their rights; being unable to hold public officials accountable for their actions; and being unable to participate meaningfully in decisions taken by these universities that affect their lives (Marais et al. 2017). Consequently, the lack of public participation in PAIA allows the public universities to be complacent, which in turn leads to corrupt practices and fraud (Taylor 2015; Barker 2017). For instance, media reports in South Africa indicate that some lecturers passed students

in exchange for sex (Ndabeni 2013; Kgongoane 2020), while some universities have been accused of maladministration, corruption and fraud (Makate 2013; Mathope 2017; Phakathi 2017; Macupe 2019). Accordingly, PAIA compliance is imperative in universities since they depend entirely on access to information to conduct their core business (Morgan 2015). However, the success of PAIA lies in both the willingness of the public university to be transparent and the ability of stakeholders to demand and use information (Daruwala & Nayak 2007; Neuman & Calland 2007; Marais et al. 2017).

Table A: Reporting in terms of section 32 of PAIA

PAIA questions	UNIVERSITIES					
	TUT	UJ	UNISA	UP	VUT	WITS
Number of requests received	0	0	0	0	0	2
Number of requests granted in full	0	0	0	0	0	1
Number of requests granted in the public interest (section 46)	0	0	0	0	0	0
Number of requests refused in full	0	0	0	0	0	0
Number of requests refused partially	0	0	0	0	0	0
Number of times provisions of the Act were relied on to refuse access in full or partially	0	0	0	0	0	0
Number of instances in which the periods stipulated in section 25(1) were extended in terms of section 26(1)	0	0	0	0	0	1
Number of internal appeals lodged with the relevant authority	0	0	0	0	0	0
Number of requests granted as a result of the internal appeal	0	0	0	0	0	0
Number of internal appeals lodged on account of a deemed refusal	0	0	0	0	0	0
Number of applications to court on grounds that an internal appeal was dismissed by the relevant authority failing to give notice of its decision (section 77(3))	0	0	0	0	0	0
Other information relating to implementation	0	0	0	0	0	0

Adopted from PAIA Annual Report 2015–2017

Note: The only university willing to submit a PAIA annual report was WITS

1.4. PURPOSE OF THE STUDY

The purpose of this study was to explore the factors influencing compliance, or the lack of compliance, with PAIA at public universities in the Gauteng province, with a view to developing a model for compliance with PAIA.

1.5. RESEARCH OBJECTIVES

The objectives of the study were to

- determine whether the six universities have fulfilled their obligations under PAIA sections 14, 15, 17 and 32
- determine the factors affecting compliance or non-compliance with PAIA sections 14, 15, 17 and 32 at the six public universities in Gauteng province
- determine strategies/programmes adopted and implemented by the SAHRC to increase PAIA knowledge and understanding in universities.

1.6. RESEARCH QUESTIONS

Three broad research questions underpinned the study. The specific research questions are proportional to the research objectives respectively:

- Are the six (6) public universities in Gauteng province in complete compliance with sections 14, 15, 17 and 32 of PAIA?
 - Do the six public universities in Gauteng province comply with sections 14, 15, 17 and 32 of PAIA?
- Why are these universities not complying with sections 14, 15, 17 and 32 of PAIA?
 - What factors influence the compliance, or lack of compliance, with sections 14, 15, 17 and 32 of PAIA at the six public universities in Gauteng province?
 - section 14 – publishing the information manual
 - section 15 – proactive disclosure of records.
 - section 17 – designation of the deputy information officer
 - section 32 – dealing with requests for access to records.
- Do stakeholders understand their responsibilities toward PAIA?
 - What strategies/programmes are available at the SAHRC to increase knowledge and understanding of PAIA among stakeholders?

Table B: Detailed research questions

Objectives	Questions	Data collection tools	Research approach	Data source
Determine whether the six public universities have fulfilled their obligations under PAIA sections 14, 15, 17 and 32	Do the six public universities in Gauteng province comply with sections 14, 15, 17 and 32 of PAIA?	Interview/semi-structured Document review	Qualitative	Compliance officer Documents
Determine the factors affecting compliance or non-compliance with sections 14, 15, 17 and 32 of PAIA at the six public universities in Gauteng province.	What factors influence compliance or non-compliance with sections 14, 15, 17 and 32 of PAIA at public universities?	Interview/semi-structured	Qualitative	Compliance officer
Determine strategies/programmes adopted and implemented by the SAHRC to increase the knowledge and understanding of PAIA at universities.	What strategies/programmes are available at the SAHRC to increase knowledge and understanding of PAIA in public universities?	Interview/semi-structured Document review	Qualitative	Compliance officer
Develop guidelines to assist with PAIA compliance at public universities.		Data collection and analysis Literature review	Qualitative	Literature/ documents

1.7. SCOPE AND DELIMITATION OF THE STUDY

PAIA deals with the promotion of access to information in public and private organisations, as contained in section 32 of the Constitution of the Republic of South Africa. The concept controlling the scope of application of PAIA is, therefore, not 'information' but 'record' (Currie & Klaaren 2002). Although the Act has 93 sections, the researcher only focuses on sections that are appropriate and relevant to the purpose of this study. Hence, this research focused on sections 14, 15, 17 and 32 in PAIA, which deal directly with the minimum criteria for compliance with PAIA in public bodies such as public universities in Gauteng province.

The study sought to determine the factors affecting the levels of compliance with PAIA in public universities in Gauteng province, South Africa. The compliance officer for PAIA at the South African Human Rights Commission (SAHRC) responded to the questions posed by this study. The SAHRC is the legal custodian of PAIA, and thus the compliance officer is responsible for monitoring compliance with PAIA by these universities. Thus, he was able to provide authoritative knowledge regarding the

phenomenon of interest. The study was limited in that it could not engage directly with these universities due to their lack of cooperation. Interpretive phenomenological analysis (IPA) allows the researcher to gather data from anyone with authoritative knowledge about the phenomenon of interest. Hence, primary data collection involved the compliance officer at the SAHRC and the secondary data involved the review of documents published on the websites of the universities under study. Another limitation was that the study did not include all universities in South Africa; the country has 26 public universities, but this study focused on only six universities located in one province, Gauteng.

The six public universities in Gauteng province are, namely

- University of South Africa
- University of Pretoria
- Tshwane University of Technology
- University of Witwatersrand
- the University of Johannesburg
- Vaal University of Technology.

The six public universities above fall into three types, namely

- comprehensive university
- traditional university
- university of technology.

In 1994, South Africa changed its political landscape from apartheid to a democratic government. This change required that South Africa reflect on the prevailing social conditions and take stock of what worked and what did not work and why (DPME 2014). To meet the demands of the modern economy, South Africa required a highly sophisticated education and training sector. Hence, scholars came together to forge a new trajectory towards a more sophisticated, equitable education and training sector. Their advice provided the Department of Education with a solid basis for transforming and restructuring higher education in South Africa, as reflected above (USAf 2016).

The outcome of this study cannot be generalised since each of these public universities is unique. Thus, other provinces may replicate this study if it is relevant to

their situation (Korstjens & Moser 2018:122). The researcher also acknowledges the existence of a broad legal framework governing records and information. However, this study was limited to the investigation of PAIA.

1.8. JUSTIFICATION FOR THE STUDY

PAIA compliance is crucial for instilling a culture of transparency, accountability and good governance in public institutions including universities (World Bank 2016; Schneider 2017). South African universities receive a large portion of their income from the government. For example, in 2016 the government's contribution to the National Student, Financial Aid Scheme (NSFAS) Fund increased from R9.5 billion in 2015 to R14 billion in 2016. This amount excludes the universities' other income streams (USAf 2016). Thus, proper management of funds is imperative.

Academic faculties and programmes of study have also grown in complexity. Access to information on the available programmes of study and other amenities on offer enable students to make the right choice of university (Schneider 2017). It would be foolhardy for anyone to disregard the importance of transparency, accountability and good governance in universities (World Bank 2016; Schneider 2017). Scholars agree that university stakeholders are keeping a critical eye on what the universities are doing and how they do it (Tavernier 2005; Khanyile 2018). They require accountability not only in the use of resources but also in particular in the quality of products and the societal relevance of university activities (Tavernier 2005; Hallak & Poisson 2013; Khanyile 2018). Thus, records should accurately reflect the university's official activities and should be accessible (Chinyemba & Ngulube 2005; Ngoepe & Ngulube 2013; Peterson & Ndlovu 2013).

This study will contribute to the body of literature in the field of Information Science. The research is replicable in other provinces where applicable, to ensure that all public universities in South Africa can achieve compliance with PAIA.

1.9. OUTLINE OF RESEARCH METHODOLOGY

This section briefly outlines the research paradigm and research methodology the researcher preferred for this study. More details on the research paradigm, research methodology, research design, data collection and analysis are discussed in the next chapter.

1.9.1. Research paradigm

A paradigm is a worldview or conceptual lens used by the researcher to determine the methodology, research methods, data collection and analysis used in a research study (Kivunja & Kuyini 2017). A worldview provides shared beliefs, norms, practices or perspective to inform the meaning and interpretation of research data (Thanh & Thanh 2015). This study adopted an interpretivist paradigm. An interpretivist paradigm seeks to understand the phenomenon of interest from the experience of the participant. Thus, this type of paradigm works well with a qualitative methodology because both seek experiences to understand and interpret data for uncovering the reality about the phenomenon of interest (Kivunja & Kuyini 2017). Reality for both the interpretivist researcher and the qualitative researcher is socially constructed. By understanding and interpreting the experiences of the compliance officer at the SAHRC, the researcher sought to uncover the reality of PAIA compliance in the six universities under study.

1.9.2. Choice of methodology

There are two types of methodology, qualitative and quantitative methodology. Qualitative methods deal with verbal explanations while quantitative methods deal with numbers (Leedy & Ormrod 2015). Qualitative research is characterised by its aims, which relate to understanding a phenomenon, and the methods deployed, which generate words not numbers (Trochim, Donnelly & Arora 2015; Holloway & Galvin 2016). Qualitative research explores complex phenomena that are difficult to measure with quantitative research (Leedy & Ormrod 2015). It attempts to get to the bottom of the story of what exactly happened to the participating individuals, and what led them to the decisions they made, and how the choices they made came to take the form that they eventually did (Yin 2015; Kumar 2019).

As previously mentioned, the PAIA reports published by the SAHRC do not provide rich details on compliance or non-compliance with sections 14, 15, 17 and 32 of the Act. Hence, this study applied a qualitative approach of the phenomenological genre to explore the 'lived experience' of the compliance officer for PAIA at the SAHRC. Thick and rich descriptions of this lived experience provided the researcher with the underlying factors influencing compliance or non-compliance with PAIA in public universities in Gauteng province.

1.9.3. Research design

According to Leedy and Ormrod (2019), as well as Babbie and Mouton (2010), a research design is a blueprint guiding the researcher on how to carry out the investigation. The design also indicates what type of data to collect and what instruments to use, as well as the methods for analysing the data (Creswell 2013; Yin 2015; Leedy & Ormrod 2019). This study adopted the interpretative phenomenological approach (IPA) to explore the factors influencing compliance or non-compliance with PAIA in the six public universities in Gauteng province, South Africa. Although it would have been ideal to engage directly with the information officers at these universities, this was not possible owing to a lack of cooperation from most of these universities. The researcher instead engaged the PAIA compliance officer at the SAHRC who is an authority on PAIA and has vast experience of monitoring compliance with PAIA in public universities.

IPA afforded the researcher an opportunity to use an in-depth interview to obtain rich and thick descriptions of the lived experience of the compliance officer in his efforts to monitor compliance with PAIA among the six annotated public universities (Leedy & Ormrod 2013:6; Alase 2017). IPA allows participants to tell their stories without any distortions or fear of prosecution (Smith, Flowers & Larkin 2009; Leedy & Ormrod 2013). Data collected through the interview will be analysed following IPA guidelines to uncover the reality about PAIA in these universities (Smith & Osborn 2008; Pietkiewicz & Smith 2014; Noon 2018).

1.9.4. Population and sampling

Creswell (2013:206) posits that it is important in any qualitative research study to choose people or sites that can best help you understand the central phenomenon. Purposive sampling in a qualitative research study allows the researcher to specify the site and the people to include in the study (Denzin & Lincoln 2017). There are nine provinces in South Africa, with public universities spread across the country. For the purpose of this study, the researcher purposively selected the public universities in Gauteng province as sites to collect primary data on PAIA compliance and non-compliance in these institutions. Unfortunately, these universities, apart from one, delayed responding to requests for participation, thus forcing the researcher to consider an alternative. Consequently, the researcher purposively approached the

South African Human Rights Commission (SAHRC), as the legal custodian of PAIA, to collect primary data on the six universities' compliance and/or non-compliance with the Act. The information officer at SAHRC received the request and delegated the compliance officer for PAIA to deal with it. The compliance officer, who is responsible for monitoring compliance with PAIA in the public sector including the universities under study, subsequently agreed to participate in the interview.

Purposive sampling allows the researcher to select a small sample (1–6), of participants with rich information on the subject matter to share their lived experience of the phenomenon under study (Faber & Fonseca 2014; Schreier 2018). The compliance officer at SAHRC was well suited to provide rich stories of PAIA compliance by the six universities under study.

With IPA, there is no rule regarding the number of participants to include (Pietkiewicz & Smith 2014; Schreier 2018). Generally, it depends on four issues, namely, the depth of analysis of a single case study; the richness of the individual cases; how the researcher wants to compare or contrast single cases; and the pragmatic restriction imposed on the work. In some cases, the subject matter may define the boundaries or constraints (Pietkiewicz & Smith 2014:9; Noon 2018). The subject of PAIA is a very sensitive matter for any public body that lacks transparency. Hence, the researcher struggled to obtain permission to collect data from the universities. The culture of secrecy is endemic in public universities in South Africa. Thus, PAIA sought to promote access to information in order to change the culture in organisations (public & private), from secrecy to transparency (McKinley 2013).

IPA researchers focus on the depth and not the breadth of the study, thus allowing for the use of a single-person case study. Hence, the researcher could work with the PAIA compliance officer at the SAHRC to collect rich and meaningful data, allowing the researcher to present original problems or experiences related to PAIA compliance among the universities (Pietkiewicz & Smith 2014). The researcher believed that since the compliance officer was responsible for monitoring PAIA compliance in the public sector, including the universities under study, it was appropriate to tap his lived experience to gain rich insights on the factors affecting compliance with PAIA in public universities (Smith et al. 2009; Kivunja & Kuyini 2017).

IPA emphasises the use of a homogenous group, hence, the focus of our study was the six public universities in Gauteng province (Creswell 2013:76). In this study, homogeneity does not mean that the public universities share the same experiences, but rather that each has a unique experience about the common phenomenon, PAIA (Smith et al. 2009:49). Another common phenomenon is that the research site was exclusively located in Gauteng province. Fortunately, purposive sampling also allowed the researcher to vary the types of public universities used in this study in order to capture common themes emerging across this variation (Patton 2002).

1.9.5. Data collection

The primary concern of IPA researchers is to obtain thick and rich descriptions of the phenomenon of interest (Pietkiewicz & Smith 2014; Noon 2018). Semi-structured in-depth, one-on-one interviews are preferred when collecting data for an IPA research study (Pietkiewicz & Smith 2014). The ideal situation would have been to engage the six public universities in Gauteng province directly and collect data from their information officers. However, owing to a lack of cooperation from most of these institutions, the researcher had to look for an alternative source for gathering the relevant data. Thus, the researcher conducted a semi-structured interview to collect primary data from the compliance officer for PAIA at the SAHRC. An interview schedule with both closed and open-ended questions guided the interview process with the compliance officer. The open-ended questions allowed the participant room to elaborate further on the issue in question (Kumar 2019). The rich descriptions in the story narrated by the compliance officer provided a quality of response that would not be possible with closed questions (Kivunja & Kuyini 2017; Kumar 2019). When the compliance officer could not answer the question adequately, the researcher used probes to facilitate a response (Kumar 2019). The interview conversation was captured using a voice recorder and the recording was later transcribed into text by the researcher to help preserve the actual words spoken by both the researcher and participant during the interview (Smith & Osborn 2008; Kumar 2019).

To collect secondary data, the researcher used document reviews. The documents reviewed related to sections 14, 15, 17 and 32 of PAIA. Such reviews serve to corroborate data collected during interviews (Bowen 2009; Heale & Forbes 2013), as documents provide the kind of detail that is not possible with verbal interviews (Bowen

2009). For instance, if the interviewee asked whether a university has a policy on records management, the response could be “yes”. However, access to the document might reveal that the policy is outdated, or maybe just a draft. When collecting secondary data, the researcher developed a checklist. Data collection and data analysis occurred concurrently (Creswell 2013; Kumar 2019; Leedy & Ormrod 2019).

1.9.6. Data analysis

Primary data were analysed following the IPA guidelines proposed by Smith and Osborn (2008), resulting in meanings emerging from the thematic analysis of the transcribed interview (Smith & Osborn 2008; Creswell 2013). The researcher identified emerging themes and reflected on them, while the participant checked the interpretation by means of cross-analysis together with the researcher (Miles, Huberman & Saldana 2013; Kivunja & Kuyini 2017). The participant’s story resulted in rich insights into the factors affecting compliance or non-compliance with PAIA (Smith et al. 2009). Document reviews were used to corroborate data from the interview and the researcher concluded the investigation with a reflective and interpretive summary.

1.10. ETHICAL CONSIDERATIONS

According to Ferreira (2018:15), “it is considered unethical to collect information without the knowledge of respondents, and their expressed willingness and informed consent.” Hence, universities globally, including the University of South Africa (UNISA) have ethics policies in place to guide researchers on how to collect data in a professional and acceptable way (Resnik 2015; Iphofen 2016). Before commencing with data collection, the researcher applied for and received ethical clearance from the UNISA Ethics Research Committee of the College of Human Sciences. This was followed by the researcher being granted permission by the South African Human Rights Commission (SAHRC) to collect data concerning PAIA compliance in public universities from the Commission. The information published on the websites of the universities is freely available to the public and does not require permission from these universities. Therefore, the researcher used the information on the websites of the six universities to corroborate data collected from the interview with the compliance officer at the SAHRC.

Pseudonyms were used in place of the real names of the universities during data analysis and reporting. In addition, the researcher assured the participant at SAHRC that his/her real name would not be used in the study, instead the pseudonym “participant” was used to protect his/her identity (Saldana 2013). The participant signed the consent form to confirm that he/she was participating freely in the study – no form of coercion was used to force him/her to participate (Sandu & Frunza 2017). The researcher reiterated her commitment to respect anonymity and confidentiality as well as the privacy of the participant. The information pertaining to this study will be kept secured and used for academic purposes only (Resnik 2015).

1.11. OUTLINE OF THE THESIS

Chapter One: This chapter introduced the current research study. It provided the background to the study, the purpose for undertaking the study, a statement of the problem, the objectives to achieve and the research questions to elicit answers to address the problem. Further, it briefly outlined the methodology and research design for use in conducting the study, data collection, data analysis, findings and recommendations.

Chapter Two; This chapter discusses the theoretical framework underpinning the study. Various theories gleaned from the literature that are relevant to the study help to shed light on the discussion.

Chapter Three: This chapter presents a review of the literature by different scholars from both the developed and the developing countries of the world. This review assisted the researcher to identify patterns, trends and gaps in access legislation compliance.

Chapter Four: This is a research methodology chapter, which describes the setting for the study, indicates and justifies the paradigm underpinning the study, as well as the methodology, research design and methods used to collect and analyse data. The ethical considerations which helped to mitigate risks and guarantee the anonymity of research participant/s are also discussed.

Chapter Five: Primary data collected by means of the interview are analysed following the IPA guidelines. In addition, secondary data collected by means of document reviews assisted in corroborating the data obtained from the interview.

Chapter Six: This chapter discusses three superordinate themes emerging from the analysis of data. These themes constitute the factors affecting compliance or lack of compliance with PAIA at the six universities under study.

Chapter Seven: This chapter closes the thesis by making a number of recommendations and drawing conclusions on the study.

1.12. SUMMARY OF CHAPTER ONE

Chapter one presented an introduction to the thesis that public universities in Gauteng province, South Africa, do not comply with PAIA. The purpose of the study was to understand why the six public universities in Gauteng province do not comply. It is, therefore, crucial that this study uncover the factors that affect compliance and non-compliance in the six universities. The problem statement described scenarios where opacity in public administration has led to corrupt practices and the right of access to information is not easy, leading to frustration, anger and even violent protests among stakeholders. An outline of research methodology provided a glimpse of the qualitative research as the preferred methodology for use in this study.

The researcher adopted an interpretative phenomenological approach (IPA) as the research design. The study used a single interview to collect primary data from the SAHRC and document reviews to collect secondary data from the websites of the six universities. The study adopted purposive sampling to select the participant (compliance officer) and key informant to collect primary data. The compliance officer is responsible for PAIA compliance in the public sector and therefore brought relevant information to the research table. To corroborate the data obtained from the interview, the researcher reviewed documents published on the websites of the six universities in Gauteng province, South Africa. This study followed IPA guidelines to analyse the primary data.

Further, the terminology used in this study were explained, using a glossary, acronyms and abbreviations to improve clarity for the reader. The following chapter (chapter two)

will review literature on access legislation in both the developed and the developing countries of the world. Included are discussions of various theoretical frameworks underpinning compliance with regulation. This review of the literature provided the researcher with a broader understanding of compliance issues affecting different countries of the world. The review also revealed gaps in the literature.

CHAPTER TWO

THEORETICAL FRAMEWORK

2.1. INTRODUCTION TO THE CHAPTER

An important feature of a theory is its ability to add plausibility to empirical findings and clarity to any discussion of unfamiliar areas of an activity (DeCuir-Gunby & Schutz 2016). According to Jezak (2017), the power of a theory strengthens through research and assists in knowledge building and acquisition to develop a research process. Furthermore, research increases the value of theory, serves as a building process for the theory and generates the latest information that modifies existing theory (Bunge 2017). Thus, theory and research begin with the formulation of a problem and by developing ideas to solve that problem (Bunge 2017). Research work starts by identifying literature that will answer the research questions on the theoretical application relevant to the subject (DeCuir-Gunby & Schutz 2016).

Several theories underpinned this study, namely, compliance theory, general deterrence theory, stakeholder theory and accountability theory:

2.1.1. Compliance theory

Compliance theory uses the goal-framing approach developed by Lindenberg and Steg (2007) to predict decisions that are likely to be structured by regulatees. Compliance theory helps to account for the variety of motivations behind compliant and non-compliant behaviours, including the interactions between these motivations (Étienne 2010). Compliance theory assists in unfolding three possible goal-framing approaches (motivations) used in compliance. These goals are as follows: hedonic, gain and normative framing:

- Hedonic framing relates to feelings of joy, guilt, discomfort, shame and the like. For example, regulatees may refuse to comply if they perceive the regulation as unjust or causing discomfort.
- Gain framing contributes to creating, sustaining or threatening vested interests.
- Normative framing refers to doing the right thing or acting appropriately.

The decisions taken by people in the different public universities will always differ because of the different perspectives resulting from these goal frames. For instance, decision makers in the six public universities would likely believe that to adhere to the PAIA 2000 could affect the interests and autonomy of their institutions, as alluded to in the discussion above regarding the 'gain goal'. Ultimately, this links to their inability to comply with the law. Fortunately, public universities in South Africa are semi-autonomous with government having the final say in their business. Hence, the assertion of autonomy in South Africa's public universities by some writers is a fallacy (Bentley, Habib & Morrow 2006; News24 2016).

Sandu and Frunza (2017) posit that ethics and values are no longer merely personal issues but are also organisational issues. According to Lagan and Moran (2015), values stand at the very core of human decision-making. When the culture of an organisation aligns with personal values, employees begin to feel free to give of their best. Accordingly, employees become more productive and commit to the success of the organisation (the gain goal). Hence, to liberate the enthusiasm in people is equivalent to liberating the soul of the organisation (Chigudu & Chigudu 2015). Bearing in mind that organisations do not change but people do. Therefore, university principals should institute systems that would encourage ethical conduct among stakeholders in their respective organisations (Agle, Hart, Thompson, & Hendricks 2014; Frederickson & Ghere 2014). Although the implementation of systems will not prevent corrupt practices entirely, they can influence the character traits of organisations (universities) and their employees (Snellman 2015; Downe, Cowell & Morgan 2016).

2.1.2. General deterrence theory

Schuessler (2009) propagated general deterrence theory (GDT) based on the work of the classical philosophers Hobbes, Beccaria and Bentham. Deterrence theory advocates that individuals can be discouraged from doing wrong by using countermeasures that are relative to the act. These measures take one of two shapes: the first one is cooperative and is meant to encourage compliance. The second one is coercive, which is intended to dissuade potential violators from committing an offence or to help habitual violators to refrain from committing another offence (White & Heckenberg 2012; Glicksman & Earnhart 2015). The countermeasures for cooperative

enforcement include education and training, monitoring and evaluation, self-reporting, audits, reprimand, and information backup (Alm & Shimshack 2014). Most governments use a hybrid of both cooperative and coercive policies to deal with compliance with regulations (Braithwaite & Reinhart 2013). These countermeasures help to eliminate or mitigate risks.

The main constructs for this theory are prevention, deterrence, remedy and detection. This study used GDT as a lens through which to view the countermeasures used by regulatory agencies and public bodies, including universities, to improve compliance with the PAIA, 2000. The term 'countermeasures' refers to a range of devices used by organisations to deter, detect or prevent violations of the law (Kotulick & Clark 2004). Across the globe, organisations use GDT to improve compliance with legislation (D'Arcy & Herath 2011; Alm & Shimshack 2014).

In the United Kingdom (UK), the Information Commissioner has adopted a cooperative enforcement approach to prevent non-compliance with the Freedom of Information (FOI) Act (Hazell, Worthy & Glover 2010). Before the implementation of FOI, the Commissioner provided education and training to increase knowledge and understanding of the FOI legislation among the public. Consequently, people knew what FOI meant to them and were able to use it effectively (Daruwala & Nayak 2007). Public bodies, including universities, were able to put systems in place to facilitate FOI implementation. The Commissioner monitored and evaluated, on a regular basis, the state of implementation in public institutions. These regular inspections helped the Commissioner to detect on time any problems hindering compliance with FOI legislation and to deal with such problems (Hazell et al. 2010).

The government of South Africa mandated the SAHRC to implement appropriate strategies to promote compliance with PAIA among public bodies, including universities. However, the government did not give the SAHRC the authority to enforce compliance (SAHRC 2014). Entrenched secrecy, state conflicts of interest and the lack of funds curtailed even the responsibility of the SAHRC to promote PAIA (Kusnetz 2015). Consequently, public officials and civil servants do not know nor understand PAIA (Sangweni 2007; SAHA 2016) and the SAHRC, whose task is to monitor and promote compliance, has failed to do so (Allan 2009; SAHA 2016). The authority to enforce compliance with PAIA is now the prerogative of the courts (Roling 2007;

Klaaren 2015), which have become the only source of remedy for non-compliance with PAIA (Roling 2007; Calland 2009; SAHA 2016). Unfortunately, due to the costly nature of litigation, courts are out of reach for the majority of the South African population, which is poor (ODAC 2006; Robertson 2012; Omotayo 2015; SAHA 2016).

Civil society groups such as the South African History Archive (SAHA) or Open Democracy Advice Centre (ODAC) currently assist poor communities and some individuals to seek remedies in court against public bodies that fail to provide records requested through PAIA (ODAC 2006; SAHA 2016). Unfortunately, most of the SAHA cases result in out-of-court settlements. There is, therefore, no legal precedent available for future reference (SAHA 2016).

In October 2016, the South African Government appointed an Information Regulator to enforce the PAIA. The Office of the Regulator started functioning on 1 December 2016 (ATI Network 2016:15; Corruption Watch 2017). To date, reports from newspapers (South African) have not indicated any action meted by the new Regulator for non-compliance with PAIA (Corruption Watch 2017; ODAC 2018b). The Information Commissioner or Ombudsman in countries like the United Kingdom, Australia, Canada and the United States of America has the authority to promote and enforce compliance with access legislation (Holsen & Pasquier 2012). In South Africa, however, we rely on external remedies, such as court orders to enforce PAIA compliance, as well as to realise the right to free education, clean water or housing for poor communities (ODAC 2006; Allan 2009; SAHA 2016). Garner (2014:1485) in *Black's law dictionary*, defines the term "remedy" as "the means by which the violation of a right is prevented, redressed or compensated".

Access legislation, including PAIA, requires public bodies such as universities to put in place mechanisms for internal appeals. These internal appeal processes allow aggrieved persons to escalate their complaints within the organisation before seeking external remedies (SAHRC 2014). In the event of wrongdoing, internal remedies such as reprimands, suspensions or termination of service would apply to employees. By requiring public bodies to put in place mechanisms to deter non-compliance with PAIA, the Act stresses the importance of exhausting internal processes first before the matter may be escalated to the courts (SAHRC 2014). In South Africa, internal appeal mechanisms are lacking in public universities and very weak in other public bodies

(SAHA 2016). Hence, aggrieved persons seek external remedies as a primary recourse against these bodies (Allan 2009). Consequently, most cases of non-compliance with PAIA end up in the courts.

2.1.3. Stakeholder theory

A wide array of literature in the social sciences and the humanities attests to the fact that all organisations have affiliated stakeholders (Moriarty 2014; McGrath & Whitty 2017). Stakeholder theory refers to a stakeholder as any person or group participating in the activities of the organisation to obtain benefits (McGrath & Whitty 2017). In the case of a university, stakeholders include students, staff (academic and non-academic), government, suppliers, political organisations, trade unions, investors, local communities, employees, parents and students. Stakeholders usually have interests in the work of the organisation and their interests are intrinsically valuable (Moriarty 2014; McGrath & Whitty 2017). Organisations need to listen to stakeholders and serve their interests diligently to create more value (tangible and intangible) in the long run (Freeman, Harrison & Wicks 2007; Khanyile 2018; Temmerman 2018). The main constructs of this theory are organisational performance and stakeholder interests.

While many studies focus on the benefits or value created by organisations regarding financial returns, this study focuses on stakeholder value. Adam Smith, in his book *The wealth of nations*, written in 1776, defined “value” as “anything that has the potential to be of worth to stakeholders” or “what is best for you” (Harrison & Wicks 2013:99). Smith believed that individuals have different values and therefore they should decide what is of value to them and what they are prepared to pay to receive the value they seek (Harrison & Wicks 2013). Stakeholder theory thus challenges university management to examine the value their institutions are creating from the perspective of the stakeholders who are involved in creating it (Khanyile 2018; Harrison & Wicks 2013).

In line with the PAIA, 2000, university management should engage with stakeholders such as government departments or agencies, non-governmental organisations (NGOs) or non-profit organisations (NPO) involved with promoting transparent democracy and defending human rights, legal experts, as well as its own staff and students to craft an effective strategy for the implementation of PAIA (Khanyile 2018;

Temmerman 2018). This sharing of insights will help create more value that will benefit both the university and all stakeholders (Harrison & Wicks 2013; Khanyile 2018). Harrison and Wicks (2013) extend the statement, saying that stakeholders generally make choices that give them the most value for the value that they give up. For instance, the Open Democracy Advice Centre (ODAC) is a non-profit organisation responsible for promoting transparency and accountability in public bodies. They also assist poor communities in realising their human rights including the right to access information held in public bodies. This organisation is willing to use its time and resources to fight human rights abuses so that in the end, both the organisation and the communities it represents may derive more value from the outcomes.

As another example, the SAHRC is also available to help public bodies such as universities draft the information manual required in order to comply with PAIA. The SAHRC derives value when public bodies such as universities comply with PAIA, enabling stakeholders to access information to protect or exercise their rights enshrined in the Constitution of the Republic of South Africa (Khanyile 2018). A further example is that when students choose a particular university to further their studies, they look for one than offers value for money: where communication is online, tuition is blended and employable graduates are produced. Therefore, public universities need to adapt and improve their brand to appeal to their stakeholders (Temmerman 2018). They can achieve this by working together with stakeholders, listening to them, dealing with their requests for information and involving them in the decision-making processes of the university.

According to stakeholder theory, university management should increase its knowledge and understanding of stakeholders' needs and interests (Freeman et al. 2007; Temmerman 2018). This knowledge will help them provide services and products that meet the needs of their stakeholders. Further, Freeman et al. (2007) assert that stakeholders depend on the university and other stakeholders to satisfy their interests. Improving transparency and accountability in university processes, as required by PAIA section 14, is therefore imperative, as it serves to improve the reciprocal relationship between the university and all its legitimate stakeholders. The quality of contributions of each stakeholder to the system influences the total value

created in the system (Freeman et al. 2007; Khanyile 2018; Temmerman 2018). The value that stakeholders seek has four dimensions:

2.1.3.1. Stakeholder utility associated with physical goods and services

Stakeholders determine the amount of value they are willing to give up in exchange for goods and services from a public body such as a university (Harrison & Wicks 2013). For instance, when departments dealing with records management are under-resourced, employees tend to have more work and receive low payment from the employer. As a result, they misfile records, making access to information very difficult. Public organisations including universities should pay their employees well and provide the resources required to enable them to continue to work diligently and effectively within the public body (Barney 2011).

2.1.3.2. Stakeholder utility associated with organisational justice

Organisational justice relates to fairness and reciprocal relations between the organisation and its stakeholders (Fassin 2012; Khanyile 2018; Harrison, Bosse & Phillips 2010). How the organisation treats its stakeholders will determine how the stakeholders respond to it (Harrison & Wicks 2013; Khanyile 2018). For instance, section 32 of PAIA obligates public bodies to deal with requests for information, clearly describing the steps a public body should take in dealing with such requests. The first step is to acknowledge in writing that the public body has received the request and is attending to it. If the public body refuses to release the information, it should rely on the provisions of the Act and should communicate its decision in writing to the requestor (SAHRC 2014). The key is to treat stakeholders with respect (Temmerman 2018; Khanyile 2018).

Stakeholder theory argues that the way the organisation treats one stakeholder can influence relationships with other stakeholders (Freeman et al. 2007; Khanyile 2018). When students embarked on a nationwide protest, the “#fees must fall protest” in South Africa, university management did not allow them to enter the premises of their respective universities (SAHA 2016), obtaining interdicts from the courts and making it illegal for students to enter the universities and demand free education for all. Universities also used the South African Police Service to control the situation. The

police used force, resulting in injuries to and arrests of some of the students (SAHA 2016).

Subsequently, the South African History Archive (SAHA) as a stakeholder intervened on behalf of the students. The organisation requested the universities to provide copies of the interdicts obtained. While some universities gladly provided the information, others did not (SAHA 2016). The pressure from these stakeholders forced the South African government to accede to student demands for free education at public universities (SABC 2018).

2.1.3.3. Stakeholder utility from affiliation

Stakeholders associate with organisations that embody the characteristics that they consider valuable (Harrison & Wicks 2013). Values such as transparency and accountability provide the basis for accessing information held by the public body. Stakeholders who are affiliated with a public body such as the university may work together to contribute to the success of the institution (Harrison & Wicks 2013). For instance, sponsors often give universities money to administer as bursaries to students coming from a certain community or students pursuing a qualification of interest to them, and therefore require the universities to account for the money spent. Lack of transparency and accountability lead to corruption and maladministration (O'Byrne 2015; Morgan 2015). To address such issues, PAIA promotes transparency, accountability and good governance in the public sector including universities (Manamela & Rambuda 2016; Marais et al. 2017).

2.1.3.4. Stakeholder utility associated with perceived opportunity costs

According to Barney (2011), value depends on perception and beliefs influence perception. For instance, students associated with a university may believe that their university is giving them a deal that is better than any other university. They choose to attend the university that provides them with secure accommodation, a shuttle bus to and from campus, free Wi-Fi on campus, free education, and accredited qualifications with a high rate of employability after graduation. Thus, students want to be affiliated with universities that offer them more value (Barney 2011; Harrison & Wicks 2013). Access to information is critical for empowering students to make informed decisions about the choice of university to pursue their studies.

2.1.4. Accountability theory

Accountability theory seeks to explain how the need to justify one's actions to another party helps one to think about the consequences before doing something (Lerner & Tetlock 1999; Mosunova 2014). Thus, Geoff Hunt (2000), an ethics scholar, refers to accountability as the readiness or preparedness to give explanations or justifications to legitimate stakeholders for one's actions and omissions when required. The main constructs of this theory are accountability, identifiability, the expectation of evaluation, awareness of monitoring, and social presence (Lerner & Tetlock 1999).

To understand the concept of "accountability", Vance, Lowry and Eggett (2014), distinguish between accountability as a "virtue" and accountability as a "mechanism". The term "virtue" refers to "good moral quality in a person." (Cambridge advanced learner dictionary 2005:1444; Concise Oxford English dictionary 2011:1615), that is, "behaviour showing high moral standards" integrity, incorruptibility, and trustworthiness. Vance et al. (2014) argue that accountability as a virtue, is a quality in terms of which a person takes ownership for his/her actions. Whereas, accountability as a "mechanism" refers to "the process in which a person must explain his/her actions to another party who has authority to pass judgement on those actions and to administer positive/negative consequences in response to them (Vance et al. 2014:347). There are four core components of accountability theory: identifiability; expectation of evaluation; awareness of monitoring; and social presence:

2.1.4.1. Identifiability

Identifiability refers to a person's knowledge that his/her outcomes could link directly to him/her. Hence, PAIA identifies the person who will play the role of information officer in a public body or university. PAIA further defines the powers and duties associated with this role.

2.1.4.2. The expectation of evaluation

The knowledge and understanding that another party will assess one's work according to organisational rules and with some implied consequences. According to PAIA section 17(2), the information officer retains control and direction over the deputy information officer. In this study, the compliance officer for PAIA reports to the deputy information officer.

2.1.4.3. Public awareness and monitoring

“Awareness” refers to the knowledge and understanding of the importance of something (Cambridge Advanced Learner’s Dictionary & Thesaurus 2005: 77), while “monitoring” means watching something regularly to find out what is happening (Cambridge Advanced Learner’s Dictionary & Thesaurus 2005:817). Regarding PAIA, every public body or university must increase awareness of PAIA among stakeholders to improve participation. Public bodies including universities should submit a report annually to the SAHRC which monitors compliance with PAIA. The annual report should describe in detail how the public body handled requests for records in its custody.

2.1.4.4. Social presence

Social presence refers to the awareness of other users in the system. Regarding PAIA, public bodies including universities must put in place systems to facilitate the efficient application of PAIA in the organisation. Universities generally deploy electronic systems to facilitate access to information, as well as access control measures to regulate access to these systems and use by employees and other stakeholders.

Accountability is one of the basic principles in the PAIA. Section 17(1) of the Act categorically states that the head of the public body is by default the information officer of that public body and is accountable to parliament regarding PAIA. However, section 17(6) states that the information officer may delegate his/her powers and duties to a senior manager in the public body, although this does not stop him/her from exercising the same powers and duties vested in the position. Furthermore, section 17(3) stipulates that the information officer should nominate in writing a deputy information officer/s to deal with the requests for records, while section 17(2) clearly states that the information officer retains control and direction over the deputy information officer/s. The above discussion thus indicates the way PAIA section 17 has effectively applied accountability theory.

2.2. SUMMARY OF CHAPTER TWO

The discussion in this chapter has succinctly described the importance of theory to support the research study. Accordingly, a number of theories were discussed,

namely, stakeholder theory, accountability theory, general deterrence theory and compliance theory. The researcher explained how each theory relates to the current study.

CHAPTER THREE

LITERATURE REVIEW

3.1. INTRODUCTION TO THE CHAPTER

This chapter presents a review of published research related to access legislation. A review of the literature is important in a research study in order to lead the researcher to a defined question that justifies the research (Machi & McEvoy 2016). Two types of review system emerged from the literature. One is called the 'narrative' review and the other the 'systematic review'. The narrative typically summarises and criticises literature on a given topic but does not explain how studies were selected. Conversely, a systematic review is a critical assessment of all research on a given topic and defines in advance how the studies were selected so that the review may be replicated (Onwuegbuzie & Weinbaum 2017: 359). A narrative review describes, interprets, summaries or synthesises available evidence on a given topic but without following a fixed process. The flexibility of the narrative review allows it to incorporate a wide range of evidence to answer a defined research question (Machi & McEvoy 2016). Further, the narrative review is an essential part of the research process because it helps to establish a theoretical framework and the context for the study, as well give focus to a research study (Ferrari 2015).

On the other hand, a systematic review follows a well-defined and rigid process to answer a research question (Smith & Noble 2016). This type of review is used to synthesise the best available evidence following a transparent planned and collated process (Baker 2016). Systematic reviews often fulfil the promise of arriving at a workable solution (Sylvester, Tate & Johnstone 2013). However, they have been as being reductionist by excluding qualitative evidence and by being inflexible (O'Brien & McGuckin 2016). A literature review is, therefore, critical in a research study because it helps the researcher to identify patterns, trends, inconsistencies and even gaps in the body of knowledge (Baker 2016). Hence, this study adopted a narrative system, as it is flexible and uses a wide range of information (Onwuegbuzie & Frels 2016).

3.2. COMPLIANCE/NON-COMPLIANCE WITH ACCESS LEGISLATION

Compliance with any regulation refers to obedience by the target population to the requirements of the regulation (Coglianese 2012:12). Regulations include laws,

formal/informal orders and rules (Coglianese 2012:21). Another definition states that “compliance” refers to the adherence to the letter and spirit of the law” (Levine 2015:2). Nonetheless, achieving full compliance with regulation is not always possible (OECD 2000). Hence, it is argued that non-compliance should be acceptable to the extent that is reasonable for authorities. What then is reasonable non-compliance? What is reasonably acceptable to authorities will differ from one context to another, depending in part on the types of risk arising from non-compliance, or the impact the non-compliant behaviour has on public opinion (OECD 2000:11). PAIA stipulates that sections 14, 15, 17 and 32 provide the basic minimum requirements for public bodies’ compliance with the Act.

To be able to define an acceptable level of non-compliance one should consider the severity of the non-compliant behaviour, the consequent damage and the extent to which it influences the achievement of legislative objectives (Levine 2015). It is important to define clearly the kinds of behaviour that are considered to be ‘serious offences’. Ostensibly, the impact of public opinion can redefine the severity of non-compliant behaviour (Etienne 2011; Levine 2015). For instance, governments often react swiftly with enforcement and sanctions when isolated incidents of non-compliance reach the national newspapers or social media, even if there is no knowledge of the extent of non-compliance. Hence, the substantive achievement of legislative objectives will depend on clear problem identification, full diagnosis of the factors and implementation (Coglianese 2012). The analysis of both rule compliance and other factors will help improve compliance with PAIA.

Kearney and Stapleton (1998) argue that compliance with regulations such as PAIA is not just a legislative matter but also a change process. Therefore, PAIA implementation to achieve regulatory objectives in the short and long-term requires a radical culture shift and change of mind set for public officials. Kearney and Stapleton (1998) believe that government should set the tone for compliance by endorsing the spirit and intent of PAIA. For instance, in the United States of America (USA), former President Clinton circulated the Reno Memorandum determining the handling of US Freedom of Information requests. His actions demonstrated leadership support from both the political and administrative branches of government (Woodbury 1995; Noh 2011).

According to Milo and Stein (2014), access legislation such as PAIA appear to operate on all three levels of government: the political, legal and bureaucratic. The inherent capacity of PAIA and other access legislation to operate on all three levels has earned it the status of “troublemaker” (Worthy 2017). Hence, governments are concerned about the use of access legislation, such as PAIA, since it is not predictable (Milo & Stein 2014; Farrell 2015; Kwoka 2013). For instance, in the USA, individuals are using FOI Act to access their own medical files or immigration records (Kwoka 2018). Whereas, in South Africa, the ODAC, an NGO responsible for human rights protection, used PAIA to help poor communities to exercise and protect their rights. For instance, in South Africa, the ODAC requested information from a certain municipality on behalf of the local community. After receiving the information, ODAC used it to fight for housing and clean water and won the cases (ODAC 2006).

3.2.1. Types of non-compliance

Understanding the different types of non-compliant behaviour helps in determining the severity of the violation arising from each type. Such understanding is achievable through a broader analysis of administrative compliance in access legislation (Snell 1999; Thomas 2010; Lemieux & Trapnell 2014). According to Rick Snell (1999), traditional studies assessing compliance with freedom of information legislation have focused largely on the narrow and static portrayal of administrative compliance using numbers: these studies looked at the number of requests, processing time and raw rejection rates. Later, some studies focused on exemptions or the ideal oversight body (Snell 1999). In 1998, Roberts presented a broad model of administrative compliance. His model sought to define the magnitude and type of non-compliant behaviour in freedom of information/access to information regimes and identified three types of compliant/non-compliant behaviours: malicious non-compliance, adversarialism and administrative compliance. Briefly, malicious non-compliance means acting illegally and with the intention of withholding information, for example destroying a record. Adversarialism means flouting the law without acting illegally, for example delaying the response to a request for information. Lastly, administrative compliance means complying with the letter and spirit of the law. Further studies refined Robert’s model to include administrative non-compliance and administrative activism (Snell 1999). This model helps to distinguish between minor violations of the law and serious violations (Snell 1999). The following table gives an illustration of the model:

Table C: Types of compliant/non-compliant behaviour

Malicious non-compliance	Adversarialism	Administrative non-compliance	Administrative compliance	Administrative activism
Illegal disposition	Lack of retention policy	Lack of retention policy	Retention policy available	Updated policy changes
Deconstruction of files	Files not indexed	Misfiling	Alphabetic/numerical filing system	Files indexed
Altering a document	Sitting on request/response	Paper-based system	Electronic-based system	Control measures in place
Appointment made without following procedures	Roles and responsibilities not clear	Information officer/deputy information officer not appointed	Appoint information officer/deputy information officer	Officers vital for managing access legislation programme
Mute refusal	De-centralised recordkeeping	Delayed response	Timeous response	Maximum release
Broad interpretation of exemption	Automatic resort to exemptions	Exemptions misinterpreted	Exemptions used as the last resort	Exemptions waived in favour of release
Increase fees to discourage requests	Fee waivers rejected	Poor accountability	Charge fees stipulated by law	Civil society activism
Lack of resources to promote awareness	Inadequate resources to promote awareness	Lack of awareness of the law	Adequate resources to increase awareness	Increased meaningfully participation
External reviews avoided	Us versus them	Recommendations of external review body not implemented	Recommendations implemented to improve system	Attitude toward external review positive

Source: Adopted from Snell (1999:23)

The types of non-compliant behaviours included in Table C above are discussed in more detail below:

3.2.1.1 Malicious non-compliance

Snell (1999:2) defines malicious non-compliance as “actions that are intentional and illegal designed to prevent access to information”. This description fits an investigation by the South African History Archives (SAHA 2016). SAHA’s investigation involved a request to access records of the Truth and Reconciliation Commission (TRC). Thirty-four boxes and odd files related to the TRC disappeared without a trace, but a record describing the nature of the contents exists. Although the contents were initially classified, they were later vetted and cleared by the TRC and legal representatives for release to the National Archives of South Africa. SAHA later found out that the transfer

of records to the National Intelligence Authority for reclassification was illegal. The irony of the matter is that these records were in the public domain during the TRC hearings. Strangely, after the TRC meetings, these records were classified as sensitive documents to prevent public access and entrench secrecy (Allan 2009).

3.2.1.2. Adversarialism

Adversarialism refers to flouting the law without necessarily engaging in illegal activities to protect the interests of the government or the public institution involved (Snell 1999). For instance, public officials may misapply the law, or misinterpret exemptions, to protect the interests of a government department or a public institution. In some cases, public officials may sit on the response to prevent the release of information to the public. The most recent example is the Special Investigating Unit report on corruption in the Gauteng Department of Health. Media reports indicate that former South African President Jacob Zuma sat on the damning SIU report for more than a year. The SIU report was subsequently released in May 2018 by the current South African President Cyril Ramaphosa (Rupiah 2018) at the request of an NGO SECTION 27. A growing and almost sinister culture of secrecy associated with adversarialism is emerging in governments including public institutions such as universities. This culture is confirmed by the poor allocation of resources to implement access legislation and the relegation of records management to lower levels of the organisation (Wright 2013).

3.2.1.3. Administrative compliance

Administrative compliance refers to the ability to adhere to the letter and spirit of access legislation (Snell 1999; Levine 2015). Administrative compliance happens when reporting requirements are met; when procedures are followed; when requests for information are processed timeously; where responses provided to the requestor for access to information are adequate; and where public interest overrides any barrier (such as exemptions or political influence) to release information (Thomas 2010). Snell (1999) presents a model of administrative compliance that allows the researcher to use more variables to examine the nature of the compliant/non-compliant behaviour. The model supersedes the narrow and limited models of the ideal oversight body and the ideal exemption interpretation proposed by academics (Snell 1999). Hence, many access regimes measure the effectiveness and success of access legislation by type,

level and frequency of administrative compliance (Coglianese 2012; Meuwese, Scheltema & Van der Velden 2015).

3.2.1.4. Administrative non-compliance

Studies depict an alarming level and magnitude of administrative non-compliance in public institutions including universities (Nanabhay 2014; SAHA 2016). The challenge of inadequate resources, deficient records management, lack of awareness of FOI legislation and poor capacity to handle requests for information is a common occurrence in public institutions across the globe (Shepherd 2015; Turner 2017; Worthy 2017). These challenges contribute to non-compliance with access legislation.

3.2.1.5. Administrative activism

Access to information regimes requires public bodies, including universities, to adhere to the letter and spirit of the law. Access law requires public institutions to release information timeously to the public based on the merits of the request and free from any other influences not specified in the access legislation (Marais et al. 2017). Further, the law emphatically states that the interests of the public far outweigh any other reason for releasing information (Carothers & Brechenmacher 2014). However, the literature depicts an alarming level and magnitude of non-compliance in public institutions, including universities due to the entrenched culture of secrecy in these organisations (SAHRC 2014-2015; SAHA 2016).

3.3. FACTORS INFLUENCING COMPLIANCE/NON-COMPLIANCE

Both external and internal impediments negatively affect the ability to comply with access legislation such as PAIA. External factors relate to the role of government, whereas internal factors relate to the role of the public institution, such as the university (World Bank 2010). To address this situation government should be willing to take the lead in resolving the potential conflicts with PAIA posed by existing legislation; provide the capital/finances needed to operationalise the Act; and provide mechanisms to enforce compliance with access legislation among regulatees (World Bank 2010).

3.3.1. External factors

The role of government is critical in creating an environment that is conducive to compliance with regulations (World Bank 2010). Government is responsible for the following:

- Resolving conflicting legislation
- Providing resources
- Law enforcement and sanctions

3.3.1.1. Conflicting legislation

Conflicting legislation and ambiguities in the access legislation make access to information difficult (Roling 2007; Allan 2009; Klaaren 2015). Kate Allan, in her book *Paper wars*, recounts a situation where a request for information was refused based on a broad interpretation of the law (Allan 2009). In another instance, officials invoked old legislation to prohibit access to information (Allan 2009; Klaaren 2015). The Protection of State Information Act (1982) is a good example of such old legislation. The Act (1982) regulates state information in South Africa in order to classify, protect and disseminate government information (De Vos 2013; Harris 2013b; Klaaren 2015). The continued use of this Act invalidates PAIA's requirement for transparency and accountability to enable good governance (Ferreira 2012; Harris 2013b; Klaaren 2015). The above illustrate instances of non-compliance with PAIA.

Another paradox arises in regard to the university statutes, which state that the head of the university (vice-chancellor or principal) is accountable to the Department of Higher Education and Training (DHET), whereas PAIA states that the head of the university is accountable to the SAHRC regarding PAIA. This conflict creates an environment in which universities may not comply with PAIA, knowing that the DHET has no authority regarding PAIA compliance in universities (Poisson & Hallak 2006). PAIA is, in fact, a very useful instrument in the hands of the DHET; that is, if the DHET is seeking to achieve quality education through transparency and accountable governance (Hallak & Poisson 2013).

Further, governments need to limit the number of exemptions in freedom of information/access to information legislation, including PAIA. Public officials and civil servants tend to use these exemptions to prohibit access to information (Allan 2009).

In addition, some governments have hiked fees to discourage the public from making requests for information. This trend is also common in developed countries (Worthy 2017).

Research conducted in other countries, such as the United Kingdom, Australia and Canada, indicates that a review of existing legislation before and after the implementation of access legislation is very important (Roling 2007; Hazell et al. 2010; Roberts 2010; Klaaren 2015). Such a review will ensure that all legislation is properly aligned to allow effective implementation and compliance with access legislation such as PAIA (Roberts 2010; Banisar 2017; Worthy 2017). The willingness of the government to be transparent will help set the tone for compliance in public bodies such as universities (Worthy 2017).

This research supports Harris (2013b) Klaaren (2015) and Evans (2013), who argue that the legitimacy of the Protection of State Information Act (1982) and its continuous use in public administration is to the detriment of PAIA. Sadly, the Department of Justice (DoJ) has, to date, failed to resolve this and other technical issues in the legislation affecting access to information (Roling 2007; Klaaren 2015). Persisting conflicts in legislation point to the lack of political will to promote and ensure compliance with PAIA (SAHRC 2017), thus presenting limited opportunities for the public to exercise the right to access information (Harris 2009; Turner 2017).

3.3.1.2. Availability of resources

The availability of resources is very important to facilitate the practical implementation of the access legislation. Regulation agencies (e.g. commissioners' offices) require financial resources to operationalise the Act (Banisar 2017). For instance, in the United Kingdom, the Information Commissioner receives funding from two streams of income: one from notification fees and the other, the main source of funds for freedom of information work, the "grant-in-aid" from the Ministry of Justice (Worthy 2016). By contrast, in South Africa the literature indicates that the SAHRC cannot carry out its mandate to promote and monitor PAIA compliance effectively owing to a lack of resources (McKinley 2013). This is also the main reason why the DoJ stopped training government employees on PAIA at the Justice College (Roling 2007). The arguments put forward by Omotayo (2015), Mohan (2014), Roling (2007), Coan (2010), Allan (2009) and McKinley (2013), which state that without government support, full

implementation of access legislation including PAIA is bound to fail, are valid and supported by this research.

3.3.1.3. Law enforcement and sanctions

Most public institutions in developing countries do not comply with their obligations regarding access legislation (Sangweni 2007; Relly 2011; Morgan 2015; Manamela and Rambuda 2016). Their non-compliance lies largely in their failure to publish an information manual, make proactive disclosures and report timeously on the extent of implementation of access legislation (Darch & Underwood 2010; Omotayo 2015). Compliance with access legislations is enforceable through a variety of mechanisms, which may be coercive, non-coercive or both (White & Heckenberg 2012; Carrigan & Harrington 2015; Glicksman & Earnhart 2015) and include the use of the judiciary, an independent oversight body and internal review committee (Glicksman & Earnhart 2015). Thus, different countries adopt different models of enforcement of access legislation.

Independent judiciary services

In the USA, Bulgaria, Uganda and South Africa, the model adopted uses direct judicial review (Mendel 2008). When public institutions refuse to release information, the judiciary has the power to demand the release of that information (Robertson 2012). This model has established rules for punishing non-compliance (Mendel 2008). For instance, when a person conceals, destroys or alters a record in part or in whole, PAIA regards that as an offence punishable by a fine or imprisonment or both (s 90). Unfortunately, PAIA is silent on the sanctions and/or penalties for failing to implement the Act (Neuman & Calland 2007). Mendel (2008) argues that the judiciary is not free from political influence. Literature also reveals that the government can tighten their purse strings to hinder effective services in the judiciary (Mendel 2008; Robertson 2012). Generally, the use of litigation is inaccessible to the public because it is very expensive. Besides, it takes a long time to process a complaint through the courts, and the courts have case backlogs due to a lack of specialised knowledge (Robertson 2012; SAHA 2016). Consequently, people do not bother to challenge refusals to access information, thus leading to South Africa's civil servants disregarding the PAIA (Sangweni 2007; Allan 2009; SAHA 2016).

In Uganda, access legislation allows the public to appeal the decisions of public authority to the magistrate courts and subsequently to the High Court. Unfortunately, judicial processes are long, costly and inaccessible to ordinary Ugandans. Further, the judiciary is not free from political influence. Recently, the Ugandan government reduced funding of the judiciary, forcing it to scale down operations (Robertson 2012). Consequently, the weak capacity of staff hinders the effective enforcement of compliance with access legislation. Although the law provides for both sanctions and penalties for concealing, altering or destroying records to prevent access to information, to date no one has been charged (Robertson 2012). The weakening of the role of the courts to deter offenders from wrongdoing ironically strengthens the perverse and recalcitrant behaviour of public servants (Robertson 2012).

Krishnan (2001) contends that an independent judiciary is critical to the successful implementation of access legislation. He believes that when the judiciary is independent, it can make legally correct decisions that go against government interests. The researcher concurs with Krishnan that the Ugandan scenario explicitly shows how government can frustrate or sabotage the work of the judiciary.

Independent oversight body

In Canada, Hungary, Sweden and New Zealand, the Information Commissioner is responsible for reviewing decisions made by public authorities. However, the commissioner or ombudsman has a limited role to play in enforcing compliance with access legislation, as they can only make recommendations to the defaulting public authority (Dokeniya 2013). The situation is different in India and Mexico, where they use tribunal courts to appeal decisions of public authorities (Worthy 2016). Tribunal courts are easily accessible to the public since there are no legal fees or a need for legal representation. These tribunals are highly independent (free from political pressure) and have the power to issue legally binding orders. Binding decisions are in writing to create a precedent to guide future agency decisions and facilitate the agreed settlements (Holsen & Pasquier 2012).

The central office of the Information Commissioner has devolved powers and responsibilities to regional offices to expedite the resolution of complaints (Holsen & Pasquier 2012; Reif 2013). The Information Commissioner would normally meet with the information officer of the public institution to discuss challenges in implementing

access legislation. Thereafter, the Commissioner will advise the institution on how to comply. Penalties or sanctions meted out to people guilty of committing criminal offences, such as altering, concealing or destroying records to prevent access, vary from one country to another (Holsen & Pasquier 2012; Reif 2013).

In Australia, the Information Commissioner has the responsibility to promote and monitor compliance with access legislation (Holsen & Pasquier 2012). The Commissioner has both advisory and investigative staff to help improve compliance in public institutions, with the advisory staff providing training to frontline staff in public institutions. The literature indicates that frontline staff are the first gatekeepers of information in public institutions (Holsen & Pasquier 2012; SAHA 2016). It is therefore vital that they are equipped with knowledge and skills in access law to increase the effectiveness and efficiency of freedom of information processes (Omotayo 2015).

Investigative staff, on the other hand, help to investigate public complaints received by the Commissioner, who then reviews the decisions of public authorities and is able to make legally correct decisions (Holsen & Pasquier 2012). Failure to adhere to the requirements of the Commissioner constitutes an offence and is punishable by issuing a penalty. Australia also regards it as a criminal offence to conceal, alter or destroy records to prevent access (Holsen & Pasquier 2012). Interestingly, public officials who release information as requested, act in good faith and the law protects them against personal liability (Holsen & Pasquier 2012; Mambulase 2017:165).

In Nigeria, the Attorney General (AG) of the Federation acts as an oversight body for FOI compliance (Omotayo 2015). The AG has no authority to enforce compliance, and reports to the National Assembly of Parliament on FOI performance. Complaints against decisions of public authorities escalate to the Federal Court or High Court (Omotayo 2015). However, litigation is a very costly and tedious process. The prevailing culture of secrecy in Nigeria, poor recordkeeping practices in public bodies, and the lack of awareness of the access legislation negatively affect the levels of implementation (Omotayo 2015).

In the United Kingdom, the Information Commissioner is responsible for ensuring effective implementation of FOI. The Commissioner also has the power to enforce compliance with the FOI Act (Goodall & Gay 2010; Holsen & Pasquier 2012). Most

queries received from the public relate to a lack of implementation of the Act, failure to respond to requests for information as well as inadequate responses (Holsen & Pasquier 2012; Worthy 2016). Regarding inadequate responses, the Commissioner issues an 'information notice' to the defaulting public authority, requiring it to supply the information within a specified period. If the problem persists, the Commissioner issues a 'decision notice' which is legally binding and indicates the steps to be taken to make things right. The notice will also include the right to appeal the decision of the Commissioner in the High Court. The Commissioner has no power to vary or cancel a decision notice (Goodall & Gay 2010; Holsen & Pasquier 2012) and will issue an 'enforcement notice' if a public institution fails to publish information manually or fails to publish a list of records that are automatically available. The enforcement notice demands that work be completed by a specific date. Alternatively, the Commissioner signs a written agreement with the public authority stipulating what to do to achieve compliance (Goodall & Gay 2010; Holsen & Pasquier 2012).

In the case of poor recordkeeping practices, the Commissioner published a records management code of practice. This code of practice is not legally binding but helps the public institution to put things right. If the public institution fails to adhere to the code, the Commissioner may issue a 'practice recommendation' (Goodall & Gay 2010; Holsen & Pasquier 2012), recommending that the institution establish an internal review committee to monitor the implementation of the law from within the public body. Practice recommendations are usually published and publicised to deter other potential offenders and most public institutions in the UK comply with them (Goodall & Gay 2010; Holsen & Pasquier 2012; Worthy 2016).

The above studies confirm that countries without an independent and well-resourced oversight body struggle with the basic implementation of access legislation. Poor implementation of access legislation cannot translate to transparency and accountability (World Bank 2012; Dokeniya 2013). On the contrary, the presence of well-resourced oversight bodies in countries plays a key role in ensuring the effective implementation of and compliance with access legislation (Neuman & Calland 2007).

Although the SAHRC has the responsibility to promote and monitor compliance with PAIA, it has no authority to punish those who violate it (McKinley 2003). The South African government recently appointed an independent Information Regulator to

enforce compliance with PAIA and the Protection of Personal Information Act, 2013. The Information Regulator assumed office on 1 December 2016 together with other office bearers (Corruption Watch 2017; ODAC 2018a). However, to date, there is no indication in the literature that the Regulator has been able to issue a fine or has taken any punitive measures for non-compliance with PAIA (Ramotsho 2017; ODAC 2018b).

Internal review committee

Internal assessment mechanisms are crucial to ensure effective implementation of access legislation in a public body (Omotayo 2015). An internal review committee helps to identify problems with the law and its implementation (Roberts 2002; World Bank 2010). Such problems may include the appeals processes, provision of resources and staff capacity and training. In finding a solution, these problems are communicated to the relevant leadership of a public body (Roberts 2002). Internal review committees may be used to handle appeals against the decisions of information officers (World Bank 2010) and should strengthen institutional structures to adequately secure the right to access information in the public body (Roberts 2002; World Bank 2010).

3.3.2. Internal factors

A precondition for the effective implementation and compliance with access legislation like PAIA is a radical culture shift within the organisation (Kearney & Stapleton 1998). Hence, other countries of the world assess the preparedness of public institutions to implement the law (World Bank 2010). Banisar (2006) also observed that most developing countries struggle with implementation unlike their counterparts in the developed world. Compliance with access legislation in Africa, particularly South Africa, requires a change of culture from secrecy to openness (Kearney & Stapleton 1998; Kaka 2016). Recordkeeping in Africa requires radical improvement, as sound records management is a precondition for implementation and compliance with any access legislation such as PAIA (Ngoepe 2014b; de Mingo & Martinez 2018). Above all, public knowledge and understanding of the law and its obligations are essential in achieving the objectives of access legislation (SAHRC 2014).

The literature analysed by the researcher identified three internal factors influencing non-compliance in public bodies including universities as follows:

- Culture of the organisation
- Records management
- The level of awareness and education on PAIA (see § 3.4 below).

3.3.2.1. Culture of the organisation

Shepherd and Yeo (2003) posit that organisational culture is a set of beliefs, values and assumptions shared by its members. Analysing the culture of an organisation helps increase the understanding of why the organisation functions in the way it does. When you understand the culture of an organisation, you can tell if records are an asset or not from the way in which they are managed and used (Shepherd & Yeo 2003). Consequently, information culture and organisational culture are inextricably linked (Svard 2011). Svard maintains that the information culture links with the organisational culture or is shaped by the culture of the organisation. The culture of an organisation therefore tells a story about the management of an organisation. The story includes the norms and values they uphold as well as the attitudes employees display toward their work and each other (Svard 2011).

If an organisation values secrecy, the public cannot know nor understand its business activities (McKinley 2013). The term ‘secrecy’ refers to the practice of hiding or concealing information from others (Merriam-Webster Dictionary 2016). This explanation has negative connotations. When a public body has an entrenched culture of secrecy, it is likely to negatively affect the way employees regard their work, including their attitudes toward their clients and each other (Svard 2011).

Transparency as a strategy to prevent corruption

A culture of secrecy is endemic in governments across the globe (Worthy 2017). This culture has filtered down to public and private bodies (McKinley 2013) and higher education institutions are no exception. Some scholars believe that higher education institutions conduct their activities in secrecy (Kigotho 2013; O’Byrne 2015; Fischer 2016). Freedom of information/access to information legislation requires that public institutions should make their activities transparent (O’Malley 2016), as a lack of transparency and accountability in public service breeds corruption (Billow 2016). Transparency results from good record-keeping practices (Chinyemba 2011; Bauhr & Grimes 2013), and De Mingo and Martinez (2018) strongly believe that transparency

should form part of the life cycle of a record to guarantee effective access from creation to disposal. Furthermore, transparency throughout the lifecycle of a record will ensure data integrity and traceability to the source (De Mingo & Martinez 2018).

Section 14 of PAIA deals with transparency in public institutions, requiring public institutions including universities to publish an information manual with comprehensive details to facilitate access to all records of the institution. This requirement seeks to eradicate opacity and secrecy that give rise to malpractice by fostering transparency, accountability and good governance (Bergmann 2014; Billow 2016).

Transparent processes expose irregularities in public administration and empower citizens to audit the activities of public institutions including universities (Kaufmann 2005). Transparency in public administration is a powerful weapon in fighting against corruption (Kaufmann 2005). Section 14 of PAIA promotes transparency in public bodies and failure to comply carries a penalty. However, to date, there is no evidence to show that public bodies including universities that fail to comply with section 14 of PAIA have received fines or imprisonment (Corruption Watch 2017).

This study agrees with De Mingo and Martinez (2018) that transparency through sound records management practices eliminates opacity in public administration processes and reduces the potential for malpractice. However, this study does not agree with O'Malley (2016), O'Byrne (2015) and Fischer (2016), who point out that universities have always conducted their business in secrecy. Yes, certain aspects of university business, such as research and innovation, give the university a competitive advantage over their counterparts and may not be available to the public (Huang, 2011; Huang & Chen 2016); nevertheless, exemptions should be minimal to allow access to information.

The relationship between secrecy and corruption

'Secrecy' means the practice of hiding or concealing information from others (Merriam-Webster Dictionary 2016), while 'corruption' is the abuse of public resources or public power for personal gain (Corruption Watch 2015). Therefore, when public bodies, including universities, engage in poor practices, they conceal their activities from the public because they do not want people to know the dreadful things that they are doing (Funnell 2016; Jones 2017). If the public body or university value transparency, they

would not engage in malpractice. Unfortunately, public awareness of access legislation such as PAIA is constrained, thus enabling corruption to flourish (Kwoka 2013; Kusnetz 2015; Jones 2017). Joseph E. Stiglitz, in his address to the Wits University community (20 October 2017), echoed the sentiment that secrecy enables corruption (Jones 2017).

Some scholars agree that secrecy is the hallmark of higher education institutions (O'Byrne 2015; Serfontein & De Waal 2015; Mkhize 2017). In South Africa, some academics tend to pass students who have failed so that the institution will receive funding from the government based on throughput rates (Mkhize 2017). Such malpractice leads to Mkhize's lament, for example, that today's graduates are receiving hollow qualifications. Mkhize's story corroborates recent media reports that some students receive pass marks in exchange for sex with lecturers (Ndabeni 2013; Lane 2010; Kgongoane 2020). Some of the universities concerned later confirmed the allegations of 'sex for marks' and the resignation of the implicated lecturers (Lane 2010; Zimela 2017).

3.3.2.2. Records management

Records management refers to the overall management of the creation, availability, usability, integrity, security, archival or disposition of the information assets employed in any organisation (ISO-15489-1 2016).

Importance of records management

A records management programme provides a plan of action with clearly defined procedures for implementing and maintaining sound records management practices in the public body or university (Brumm 2005; Peterson & Ndlovu 2013). Records management receives management attention if it is a strategic objective of the public institution's business plans (Barata, Cain, Bennet & Routledge 2001; AGSA 2016). Management should accordingly provide the resources necessary to enable the effective implementation of records management in the public body or university (Kyobe et al. 2009; Coetzer 2012; Lagardien 2015).

Records are not just sources of information, but tools used to perform business transactions and functions (de Mingo & Martinez 2018). Proper records management provides the fundamental structure needed to strengthen financial controls in a public

body (Barata, Cain & Thurston 2000). Hence, they are central to compliance with a regulatory framework such as the freedom of information/access to information laws including PAIA (Shepherd 2015). PAIA promotes transparency, accountability and good governance in public bodies (Mojapelo & Ngoepe 2017). How public bodies including universities manage the records that they create or receive determines their ability or inability to comply with regulatory requirements (Basnan et al. 2016). If public bodies do not comply with basic records management practices such as the implementation of approved file plans, they are unlikely to comply with disposal requirements (Makhura & Ngoepe 2004:97). Proper disposal of records improves accuracy and compliance with regulations. Thus, sound records management underpins PAIA and ensures the integrity of information (Yuba 2013). Where records are authentic, the information may be relied on by all stakeholders (ISO 15489-1:2016; Lowry & Wamukoya 2016).

The National Archives and Records Service of South Africa Act No. 43 of 1996 mandates the National Archives and Records Service of South Africa (NARSSA) to manage all records in the public sector. NARSSA is also required to ensure the preservation of archival heritage and oversee the national archival system (Ngoepe & Keakopa 2011). Unfortunately, NARSSA does not conduct records audits or assist public bodies including universities to develop classification systems (Mojapelo & Ngoepe 2017:43). Thus, it is appropriate to enlist the help of the Auditor General of South Africa (AGSA) to audit and report on the state of records management in public bodies, particularly universities.

This study proffers sound records management as the critical process for ensuring the integrity of information in the public body including universities. Lowry and Wamukoya (2016), in line with ISO 15489-1:2016, maintain that proper records management practices should be promoted to help institutions achieve data integrity. On the other hand, Shepherd (2015), Kyobe et al. (2009) and Basnan et al. (2016) posit that universities with sound records management practices are in a better position to comply with any regulation including PAIA. Institutions whose records are in disarray are unable to comply with access regulations (Allan 2009; Coetzer 2012; Yuba 2013). The assertion made by the above authors has substance in that PAIA focuses on access to records. Therefore, access to information is dependent on whether records

are available and easily accessible. Similarly, the system used to manage records will determine the administrative efficiencies and the effectiveness of access legislation such as PAIA (World Bank 2000).

Records management as a basis for transparency

ISO 15489-1:2016 defines records management as “a field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of, and information about, business activities and transactions in the form of records”. This definition encapsulates the principle of transparency in records management processes from creation to disposal of the record. Proper management of records provides evidence of business activities and transactions (Brumm 2005; De Mingo & Martinez 2018). Ntontela (2015) concurs with Brumm (2005) and De Mingo and Martinez (2018) that records provide stakeholders with the opportunity to track the activities of a public body such as a university. Further, ISO 15489-1:2016 suggests that an electronic records system is essential to protect and preserve the authenticity, reliability, integrity and usability of the record. Accordingly, a manual (paper-based) system falls short of preserving the above characteristics (Duffus 2016). Paper records are risky as they can be altered, destroyed or disappear without a trace (Ngoepe 2014a; World Health Organisation 2015).

Accessing paper-based records has also proved to be time-consuming or, worse still, a futile exercise (Amadi-Echendu 2016). Fig (2009) concurs with Amadi-Echendu, as he tried to access the records of the Nuclear Energy Corporation of South Africa and found that the records were stored in different geographical locations, making access difficult. Similarly, Pollecut (2009) searched unorganised paper records to try to access the official policy on homosexuals in the South African Defence Force (SADF). She managed to gain very little information for her efforts. Gould (2009) requested records of South Africa’s Nuclear Weapons History Project and discovered that some records were already disposed of illegally. Pigou (2009) also tried to access the records of the TRC and found that public officials could not perform their duties well. It took six months for the National Archives to grant access to these records (Pigou 2009).

Access to information is a basic principle of the PAIA (Mojapelo & Ngoepe 2017). Therefore, it is incumbent on public bodies and universities to have a records system that can manage the entire life cycle of a record and guarantee public access from creation to disposal while ensuring the record's integrity and traceability to the source (Mojapelo & Ngoepe 2017; de Mingo & Martinez 2018).

In 2016, the SAHA requested copies of the interdicts obtained by 21 public universities in South Africa over the last five years. Thirteen universities responded well, some arguably after threats of litigation, but eight ignored the request making the outcome mute refusals. Only one university dealt with the request promptly (within four days), providing all the information requested (SAHA 2016). This situation attests to the fact that sound records management provides a basis for transparency and accountability (De Mingo & Martinez 2018). Thus, access to accurate and complete records threatens corrupt administrative practices (De Mingo & Martinez 2018). Many efforts to strengthen financial controls in public universities have failed because the fundamental structures needed to underpin them, such as proper record-keeping practices, are lacking (Barata et al. 2000).

Information culture and records management

Culture in an organisation is a set of values and assumptions shared by members of the organisation (Shepherd & Yeo 2003). An information culture refers to the values accorded to information and the attitudes toward information. According to Douglas (2010), an information culture is a system of values, attitudes and behaviours that influences the use of information in an organisation.

Shepherd and Yeo (2003) believe that it is very important for a researcher to analyse the culture of an organisation to gain an understanding of why it functions the way it does. Such an understanding will reveal whether records and their usage are appreciated or not. It will also expose the researcher to the attitudes of management and staff toward information, enabling the researcher to establish how organisations operate and what values they uphold. Although Shepherd and Yeo (2003) provide substantive arguments for studying the culture of an organisation, they do not provide researchers with information on how to analyse the culture of an organisation.

Interestingly, Wright (2013) posits that there is a relationship between information culture and compliance with regulations. He maintains that a strong information culture leads to better compliance with access legislation. Wright's argument tallies with those of Shepherd (2015), Basnan et al. (2016) and Kyobe et al. (2009) who believe that sound records management leads to compliance with access legislation. The above arguments are central to the debates in this research and will be proven or disproved in due course. This research also supports the argument put forward by Shepherd and Yeo (2003) that the culture of the public body, or university, influences the information culture in the public institution.

3.4. PUBLIC AWARENESS AND EDUCATION

Governments gather and store information on behalf of their citizenry. This information thus becomes a national resource (World Economic Forum 2014). In turn, citizens have the right to request and receive information from the government to protect or exercise their rights (Hazell et al. 2010; World Bank 2012; SAHRC 2014). Many countries of the world have successfully passed access legislation to protect this inalienable right to know (LaMay et al. 2013; Banisar 2017). However, the existence of a law means nothing if citizens are unable to demand and use the information to realise their rights (Mohan 2014). Therefore, governments have a responsibility to create awareness of access legislation among the citizenry (Mai 2016). Public awareness and education help to improve public understanding of the access law and increase public participation in democratic processes (Carothers & Brechenmacher 2014; Lester 2017). However, a lack of financial support from government hinders the work of agencies such as the SAHRC in promoting access legislation to the public (Holsen & Pasquier 2012; Mulgan 2014; Turner 2017).

In South Africa, the majority of the population is poor and lacks the basic facilities and skills to access information about their legal, political and economic rights (STATSSA 2015). PAIA has a significant impact on how South Africans live their lives, contributing significantly to accessing education, health services, employment, justice, electricity, water, housing and other basic amenities that are critical to restoring human dignity (ODAC 2006; SAHRC 2012). Above all, PAIA allows citizens to hold public officials accountable for the services they render or fail to render to the public (ODAC 2006). Although PAIA is central to the realisation of human rights, public awareness of the

Act is poor (McKinley 2003). What aggravates the situation is that a sizable percentage of public officials and civil servants do not know their obligations to PAIA (Sangweni 2007). Hence, they are unable to assist the public to access information in the custody of state departments or public institutions including universities (Allan 2009; SAHA 2016). The prominent levels of ignorance about PAIA among public officials and staff undermine the letter and spirit of PAIA and contradict the principle that civil servants should act on behalf of the public when carrying out their daily duties (Allan 2009).

Mohan (2014) makes a valid point when she says that the existence of PAIA has no significance for people who do not even know such a law exists. Passing access legislation is therefore not an end in itself; stakeholders need to interact and interrogate the Act to give it meaning. If indeed governments keep information for their citizenry, it is incumbent on governments to promote the education and training of stakeholders to use the access laws passed in their relevant countries (OECD 2000; Worthy 2017). Mohan (2014:1) believes that “to be ill-informed and speak freely is a form of intellectual slavery”. Mohan draws our attention to the importance of empowering citizens through education and training to acquire knowledge and skills in relation to PAIA to protect or exercise other human rights.

This study welcomes the position taken by the World Economic Forum (2014) that governments should keep information as a national resource. However, the reality on the ground is different, as Banisar (2017) posits in that more countries have passed access legislation but do not do enough to ensure the successful implementation of the law. It seems, therefore, that some governments view access laws as threatening to their power (Yorkshire Post 2015; Worthy 2017). Thus, the challenge of complying with PAIA lies at the heart of this research study.

3.5. CONDITIONS FOR COMPLIANCE

According to the Organisation for Economic Cooperation and Development (OECD 2000:12) there are conditions for compliance with regulation in public bodies. These conditions are located at three different levels:

- The level at which the public body knows of and understands the access legislation.

- The level where the prevailing culture in the public body influences the willingness to comply; creating and maintaining positive attitudes among officials and other stakeholders, or complying because of economic incentives or simply bowing to pressure from enforcement agencies.
- The level at which the public body can comply with access legislation.

Given the above conditions, the SAHRC or Office of the Regulator should work with the DHET, the NARSSA and the AGSA to intervene in the following ways:

- Work with the DHET to increase public awareness of PAIA. Communicate extensively with stakeholders using various media, including television, newspapers, radio and road shows, educating them about their rights and entitlements, their legal obligations and explain the rules contained in access legislation. Public bodies including universities should adopt internal strategies to increase education and training on access legislation among employees and students (SAHRC 2014).
- Increase transparency and accountability. Government and/or the SAHRC/Regulator should enlist the help of the National Archivist to develop and maintain records management standards in universities and the DHET should use policy instruments such as subsidies and other incentives to enforce compliance in public universities. Other interventions may include the use of the AGSA to assess compliance with regulations. Monitoring, enforcement and sanctions such as inspections, auditing and penalties levied by accrediting bodies and other measures are required to improve the current situation (Hallak & Poisson 2013).
- Government should resolve conflicting legislation, limit exemptions and provide capital and expertise to ensure the effective implementation of PAIA (Stubbs 2008; Klaaren 2015).

3.6. SUMMARY OF CHAPTER THREE

A wide range of literature is available on access legislation and related compliance models across the globe. The researcher chose to discuss the literature that is relevant to the aims, objectives and questions of the current study. Themes emerging from the

literature review informed the headings and subheadings of this chapter. The literature review followed a thematic structure, echoing the objectives of the study discussed in chapter one.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1. INTRODUCTION TO THE CHAPTER

This chapter provides a detailed discussion on how the desired information to answer the research questions pertaining to this study was obtained. Accordingly, the research paradigm, research methodology, research design, population and sampling, data collection, data storage and management, data analysis, trustworthiness of the study and ethical considerations are discussed. The chapter concludes with a summary.

The researcher sought to understand the factors affecting compliance or non-compliance with PAIA in the six public universities in Gauteng province, South Africa. To do so, the researcher needed to articulate the beliefs about the nature of reality, what we know (ontology) about PAIA compliance in universities and how we come to know the truth or reality of PAIA (epistemology). Is the reality objective in nature or is it subjective? (Antwi & Hamza 2015). The research paradigm provides the lens through which the researcher saw the phenomenon under study (Kivunja & Kuyini 2017). The reality of this study is subjective in nature since the researcher sought to understand the phenomenon of interest. Understanding is essentially a matter of conceptual articulation (Gander 2014). Thus, Gadamer, for example, believed that all understanding is interpretative (Gander 2014). Based on the above explanation, the researcher adopted an interpretive paradigm to guide this study. An interpretive paradigm rejects the notion of a single verifiable reality existing independently of our senses (Kivunja & Kuyini 2017) and, unlike positivism, does not separate reality from its context (Thanh & Thanh 2015). Interpretivists view social reality as being embedded within and impossible to separate from its context (Thanh & Thanh 2015). Hence, the researcher interpreted the reality of PAIA through a meaning-making process rather than by developing a hypothesis (Thanh & Thanh 2015; Kivunja & Kuyini 2017). Further, an interpretive paradigm refuses to adopt fixed or foundational standards for universal truth (Rehman & Alharthi 2016:55). Instead, it believes in socially constructed multiple realities (Rehman & Alharthi 2016:55). This means that the researcher and participant co-constructed the truth about PAIA compliance in these universities. Since truth and reality are human creations, it is not possible to

know reality as it is because it is always mediated by our senses (Rehman & Alharthi 2016). Thus, an interpretive epistemology is subjective.

An interpretive paradigm works well with a qualitative methodology (Thanh & Thanh 2015), since both seek individuals' experiences, understandings and perceptions (Thanh & Thanh 2015). Hence, the researcher adopted a qualitative methodology of the phenomenological genre to approach this study (Kumar 2019). Phenomenology seeks to understand the experiences of participants when facing the phenomenon of interest (Kumar 2019). An interpretive paradigm demands that the researcher should view and understand the social phenomenon, PAIA, through the eyes of the participant rather than his/her own (Cohen, Manion & Morrison 2007: 21). Thus, this study looked at PAIA compliance in universities from the perspective of the compliance officer at the SAHRC. The SAHRC is the legal custodian of PAIA and, therefore, an authority on it. It was therefore important to understand and interpret the meanings ascribed by the compliance officer to PAIA compliance in the six universities under study (epistemology).

To understand and interpret the experience of a single person (compliance officer) regarding PAIA, the researcher adopted interpretive phenomenological analysis (IPA) with its idiographic approach to inform the research design. IPA allows the researcher to gather authoritative knowledge from a single participant and key informant – in this case, the compliance officer at the SAHRC responsible for monitoring compliance with PAIA in the six universities under study (Kivunja & Kuyini 2017; Noon 2018). The researcher used a semi-structured interview to collect primary data. Subsequently, the dialogue that emanated from the semi-structured, face-to-face interview between the researcher and the compliance officer provided thick and rich descriptions of PAIA compliance in the six universities (Pietkiewicz & Smith 2014). The researcher used a voice recorder to capture the interview verbatim and followed IPA guidelines to analyse the transcribed interview conversation (Smith & Osborn 2008). In addition, the researcher used document reviews to corroborate data from the interview (Bowen 2009; Owen 2014). Issues in relation to trustworthiness and other ethical considerations were addressed in the study.

4.2. RESEARCH PARADIGM

Orman (2016) argues that there is no clear definition of the term 'paradigm'. The term originated from the Greek word *paradeigma*, which means 'pattern' (Antwi & Hamza 2015: 218). According to Orman (2016:49), a proponent of the term 'paradigm' Thomas Kuhn, also used the concept differently no fewer than 21 times. According to Kivunja and Kuyini (2017), paradigms are human constructs, hence the definition of the term 'paradigm' is controversial to this day (Orman 2016: 47). A paradigm is defined by Neuman (2011:94) as "a basic set of beliefs that guide action". For instance, a religious paradigm guides issues of morality and spirituality (Bell 2006). Orman (2016:49) argues that paradigm refers to a research culture with a set of beliefs, values and assumptions that a community of researchers have in common regarding the nature and conduct of research. Kivunja and Kuyini (2017) posit that the term 'paradigm' describes a researcher's worldview. Worldview refers to how a person views the world and is the conceptual lens used by the researcher to determine the appropriate methodology for conducting the research study (Kivunja & Kuyini 2017). This study is concerned with a paradigm that guides disciplined inquiry (Orman 2016:47).

Kivunja and Kuyini (2017) believe that there are basic questions that help to inform the researcher's choice of paradigm and the process to follow in investigating the phenomenon under study:

- Ontological. What is the nature of reality? Is reality of an objective nature or the result of individual cognition?
- Epistemological. What is the relationship between the inquirer and the known? How we know the truth? Is knowledge acquired or experienced?
- Methodological. How should the researcher go about obtaining the data or knowledge to answer the research questions?
- Axiological. What will the researcher do to show respect for the rights of all participants?

The researcher sought to understand the factors affecting compliance or non-compliance with PAIA in the six universities in Gauteng province, South Africa.

Consequently, it was important to articulate her beliefs about the nature of the reality of PAIA in public universities and how we gain knowledge of this reality about PAIA compliance (Kivunja & Kuyini 2017). Thus, a research paradigm provided the lens through which the researcher viewed the phenomenon under study (Kivunja & Kuyini 2017), seeking to understand the underlying factors affecting PAIA compliance. This is subjective information based on interpretations and therefore an interpretive paradigm was most appropriate for this study.

The goal of an interpretive paradigm is not to discover a universal context or value-free knowledge and truth, but to try to understand the interpretations of individuals about the social phenomenon, namely, PAIA (Rehman & Alharthi 2016). Thus, the concept of knowledge is an unavoidable consequence of interpretive ontology. If one believes in multiple realities that are socially constructed, it follows that these realities are approachable from different angles by different people (Rehman & Alharthi 2016:55). Thus, the core belief of an interpretive paradigm is that reality is socially constructed (Thanh & Thanh 2015). Therefore the truth and reality about PAIA pursued in this study are not absolute but represent a relative truth, meaning that the researcher and participant co-constructed the reality of PAIA compliance in the six universities. An interpretive paradigm requires that investigators should understand the social phenomenon from the participant's point of view rather than the researcher's (Cohen et al. 2007:33). Hence, the researcher sought to understand PAIA compliance in these universities by interpreting the meaning-making activity of the compliance officer at the SAHRC.

An interpretive epistemology is subjective (Rehman & Alharthi 2016) and thus it is not possible to know reality as it is without engaging human senses to create an awareness of the phenomenon: The external reality is not directly accessible to humans without being contaminated by their perceptions, worldviews, beliefs, languages and social contexts (Rehman & Alharthi 2016). Individuals interact with others in a specific social context and ascribe meaning and names to different social phenomena (Flick 2004). Subsequently, the researcher interacted with the compliance officer at the SAHRC to get his/her perspective on PAIA compliance in these universities (Kumar 2019). Since the core of the interpretive paradigm is social constructionism, the researcher and participant co-constructed findings for this study

that are context specific but may nevertheless be transferable to similar contexts (Kivunja & Kuyini 2017).

An interpretive paradigm works well with a qualitative methodology, as both seek individuals' experiences, understandings and perceptions to allow their data to uncover reality (Thanh & Thanh 2015). Hence, this study adopted a qualitative methodology of the phenomenological genre (see § 4.3 for more details, as well as Table E below). The researcher used IPA as a blueprint for this study (see § 4.4 for more details below).

Interpretive research accepts small samples, ranging from one to six participants that fit the nature and purpose of the study (Schreier 2018). Hence, this study purposively selected a single person, the compliance officer, to study PAIA compliance in universities. The researcher's interpretations focused on the participant's verbal and non-verbal cues, including language, signs, physical gestures and meanings regarding the phenomenon of interest (Noon 2018). Various literary sources have indicated that the levels of compliance with PAIA vary among the six universities under study but unfortunately do not tell us why the levels vary. Interpretive research is, therefore, suitable for exploring hidden meaning from the apparent meaning, as is the case with the current study on PAIA compliance (Thanh & Thanh 2015) (see § 4.5 below for further details on population and sampling).

There are various techniques available for collecting data for an interpretive research study. They include face-to-face semi-structured interviews and documentation (Kumar 2019). Documentation involves reviewing annual reports, websites and/or memos to provide further insights into the phenomenon of interest or to corroborate other forms of evidence (Kumar 2019). Hence, in this study the researcher used the face-to-face semi-structured interview with the compliance officer as the main instrument for data collection. A voice recorder helped to preserve the authentic interview conversation for subsequent data analysis (Rehman & Alharthi 2016:55). In addition, websites of the six universities under study were used to access documents related to PAIA. The evidence collected from the websites helped to corroborate data collected in the interview (see § 4.6 for more details).

The approach used in interpretive research to analyse data is inductive (Rehman & Alharthi 2016). Inductive research involves condensing raw data into themes, patterns, concepts or a summary. In line with this approach, the researcher searched for patterns in the data that were collapsed under broad themes. The hermeneutic circle allowed the researcher to engage deeply with the transcript interpreting the participant’s personal experience of PAIA to uncover the hidden meaning in the apparent meaning (Rehman & Alharthi 2016) (More details in § 4.7).

The researcher also considered issues of trustworthiness to guarantee the good quality of this study. These included credibility, transferability, dependability and confirmability (Rehman & Alharthi 2016:56). Further, details on the trustworthiness of this study are available in section 4.8 below.

Table D: Characteristics of the interpretive paradigm

Research	Application to the study
Purpose of the study	To explore factors influencing compliance or the lack of compliance with Promotion of Access to Information Act (PAIA)
Ontology	There is no one reality but multiple realities. Reality is created in one’s mind/is constructed. Social reality exists due to human experience, perspectives, beliefs, interactions and interpretations. Reality can be explored through human interaction and interpretations. Relativist ontology
Epistemology	The essence of knowledge is understood through mental processes of interpreting the ‘lived experiences’ of research participants. Knowledge is socially constructed through stories about the ‘lived experiences’ of research participants. The inquirer and the inquired bond through an interactive process of dialogue, questioning, listening, reading and writing notes. Subjectivist epistemology
Methodology	Gaining knowledge of the phenomenon involves identifying the site, selecting the sample purposively, selecting instruments such as interviews and documents, collecting and analysing data. Data collected through interviews, reflective sessions and document reviews. Qualitative methodology of a phenomenological genre. IPA research design
Axiology	Ethical issues considered for the study included: <ul style="list-style-type: none"> • privacy – participant consent received before commencement of interviews • confidentiality and use of pseudonyms to de-identify personal information • accuracy – interview captured by voice recorder and transcribed verbatim • accessibility – access-controlled data.

Source: Adopted from Cantrell (1993:81–104)

Other ethical considerations were included such as privacy, confidentiality, accuracy and accessibility. The interpretive paradigm, therefore, assumes a relativist ontology, a subjectivist epistemology, a naturalist methodology and a balanced axiology (Kivunja & Kuyini 2017:33). Table D. above, illustrates the characteristics of the interpretive paradigm used in this study.

4.3. CHOICE OF METHODOLOGY

Methodology provides the logical flow of the systematic processes followed in conducting this research study (Bryman 2012; Creswell 2013). There are two main types of methodology. One is qualitative and the other quantitative (Bryman 2012; Creswell 2013; Leedy & Ormrod 2019). However, there is a dichotomy between the use of the qualitative and quantitative methodologies. Quantitative methodology is viewed as the core of evidenced-based research, while qualitative research has an exploratory capacity to investigate any problem area (Creswell 2013; Leedy & Ormrod 2019). Hence, we conducted qualitative research because a problem needed to be explored (Creswell 2013:47). In addition, qualitative research is appropriate for use when you want to get to the root cause of any phenomenon (Creswell 2013:47). Wu and Wu (2011:1305) agree with Creswell that “qualitative researchers focus on context analysis, explore the deep-rooted causes of phenomena and highlight the explanations of what happened”.

4.3.1. Qualitative methodology

A qualitative methodology has many designs, including ethnography, case study, grounded theory, narrative and phenomenology (Creswell & Poth 2017). While qualitative studies share certain common characteristics, different designs have distinct qualities that make them better suited to answer specific research questions (Denzin & Lincoln 2017). The current research sought to understand why public universities in Gauteng province comply or fail to comply with PAIA. The researcher subsequently explored factors influencing compliance or the lack of compliance with PAIA in the six public universities, seeking to get to the root-cause of Gauteng public universities’ dismal performance in relation to PAIA. In view of the research questions and the aim of this study, the researcher was convinced that a qualitative study of a phenomenological genre would be appropriate.

A phenomenological investigation seeks to understand the participant’s perspective on and experience with the phenomenon (Creswell & Poth 2017; Kivunja & Kuyini 2017). Thus, the researcher was able to explain, describe, understand and interpret the phenomenon under study from the perspective of the compliance officer (Creswell & Poth 2017; Kivunja & Kuyini 2017). To obtain a rich narrative of the lived experience of the participant, the researcher adopted the IPA proposed by Smith et al. (2009).

The following table (Table E) describes the way in which this study used some of the common characteristics of qualitative methodology. As previously mentioned, the main objective of qualitative research is to explore, in a natural setting, the experience of the phenomenon of interest from the perspective of the participant (Creswell & Poth 2017). One of the methods commonly used to explore these experiences is individual interviews (Creswell 2016). Since qualitative studies use small samples ranging from one to six participants, this study purposively selected one participant, who is a key informant (Creswell & Poth 2017). Hence, the researcher conducted an in-depth semi-structured interview with the compliance officer at SAHRC to elicit rich and thick descriptions of the experience. The researcher used a voice recorder to validate the data and transcribed the recording to facilitate data analysis. In addition, secondary data collected from document reviews helped to corroborate findings emanating from primary data.

Table E: Common characteristics of qualitative methodology and their application in this study

Qualitative methodology	Application to the study
Qualitative methodology is naturalistic.	The study seeks to understand factors affecting compliance with PAIA among six public universities in Gauteng province, a natural setting.
The sample size is small (1–6 participants) and participants are selected purposively.	The researcher purposively selected a single participant, the compliance officer at the SAHRC, to collect primary data. Further, the six public universities in Gauteng province were purposively selected for collecting secondary data from their websites.
Qualitative methodology is interpretive.	A dual interpretation takes place in this study. The dual interpretative process in a phenomenological study is called ‘double-hermeneutics’. In double-hermeneutics, the participant makes sense of his experience dealing with the phenomenon of interest (like PAIA). Then the researcher explains and interprets the meaning of the participant’s account. All interpretations carry assumptions based on experience.



Table F: Common characteristics of qualitative methodology and their application in this study (cont'd)

Qualitative methodology	Application to the study
Data collected through interviews is reportedly rich and thick.	The opportunity to dialogue with the compliance officer using the semi-structured interview enabled the researcher to obtain a rich description of his lived experience monitoring PAIA compliance by public universities. The interview conversation is transcribed into text using the voice of the compliance officer.
Data collection techniques include interviews and document reviews.	This study used a semi-structured interview for collecting primary data. Document reviews helped to collect secondary data from the universities' websites. Document reviews served to corroborate data from the interview.

4.4. RESEARCH DESIGN

4.4.1. Interpretative phenomenological analysis (IPA).

Consistent with its phenomenological origins, IPA seeks to understand the meaning individuals attach to human experience (Smith et al. 2009). The aim of IPA is to explore in depth and in a flexible way how participants make sense of their world (Smith et al. 2009; Kivunja & Kuyini 2017). Thus, IPA researchers try to get into the world of the participant to get the insider's perspective through the process of an interpretative activity (Kivunja & Kuyini 2017). IPA provides the researcher with an opportunity to attend to all aspects of this lived experience (including thoughts, feelings, memories, culture and beliefs), and how they manifest themselves in the behaviour and actions of participants (Smith et al. 2009). Hence, the researcher looked at both the mental and the emotional state of the participant's sense-making activity and was able to interpret both the spoken and the unspoken words (Smith & Osborn 2008; Kivunja & Kuyini 2017).

Regarding this study, it is crucial for the researcher to uncover the underlying factors influencing compliance and/or non-compliance with PAIA in public universities. To achieve that, the researcher interviewed someone with rich knowledge and understanding of PAIA compliance (Smith & Osborn 2008; Kivunja & Kuyini 2017). IPA allows the researcher to collect data from a single individual (Noon 2018). Henceforth, the purposive selection of the compliance officer for PAIA at the SAHRC. The researcher needed to understand and interpret the lived experience of the compliance officer for PAIA at the SAHRC. The compliance officer is responsible for

monitoring compliance with PAIA in the public sector including the six public universities of Gauteng province, South Africa.

4.4.1.1. Key features of IPA

IPA draws upon the fundamental principles of phenomenology, idiography and hermeneutics (Smith et al. 2009; Pietkiewicz & Smith 2014; Noon 2018).

Phenomenology

The term 'phenomenology' comes from the Greek word *phainomenon* which means "appearance" and *logos* which means 'study' (Smith 2018). Hence, phenomenology is a study of appearances as opposed to reality (Frey 2018; Smith 2018.). Phenomenology is a philosophical tradition developed largely by the German philosophers, Edmund Husserl, Martin Heidegger and Hans-Georg Gadamer (Cerbone 2014; Smith 2013). As a qualitative research genre, phenomenological research focuses on the lived experiences of research participants, seeking their perceptions and the meanings they attach to a phenomenon of interest (Frechette, Bitzas, Aubry, Kilpatrick & Lavoie-Tremblay 2020). Phenomenologists are generally interested in the participant's lived experience (Frechette et al. 2020). Thus, phenomenology is the study of lived experience and how we experience it (Frechette et al. 2020).

(i) Husserl's descriptive phenomenology

Phenomenology is essentially a vision of one man, Edmund Husserl (Smith 2013). Husserl, who lived from 1859 until 1938, was a mathematician who later abandoned science to pursue philosophy under the guidance of Franz Brentano (Smith 2013; Van Manen 2016). Husserl developed a descriptive phenomenology in an attempt to define a philosophical method that would provide insights into the experience of conscious objects (Smith 2013; Christensen, Welch & Barr 2017). His philosophical foundation is that of the lived experience: He sought to reinstate the human world as a foundation of science that brought justice to the everyday lived experience, "the going to the things themselves" (Christensen et al. 2017:115). Husserl criticised psychologists for using scientific methods to understand human issues (Van Manen 2016). He lambasted them for ignoring the fact that human beings do not automatically react to external stimuli, but rather respond to their own perception of what these stimuli mean (Van Manen 2016). Husserl believed that researchers who focused only on external

physical stimuli, miss important variables and ignore the context, thus creating a highly artificial situation (Van Manen 2016). According to Husserl, the researcher should describe an experience, as it appears to his/her consciousness, while preconceived ideas are set aside or bracketed (Van Manen 2016; Theodorou 2015).

Essentially, phenomenology is a study of 'lived experiences' or the lifeworld (Lavery 2003: 22). The emphasis of phenomenology is on the world as lived by individuals. Thus, the lifeworld is not separable from the person (Lavery 2003). Husserl's phenomenology promised to reveal the realm of being by penetrating deeper into reality (Lavery 2003).

Husserl developed a philosophy for phenomenology that covered the basic rules of experience (Christensen et al. 2017). He argued that the essential rules of experience are embedded in one's consciousness (Christensen et al. 2017). Hence, phenomenology seeks to determine the nature and structures of human consciousness as experienced from the first-person point of view (Smith 2013; Christensen et al. 2017). The word 'phenomenon' refers to anything that exists that the mind is conscious of (Smith 2013). This means phenomenology is the study of the essence or the nature of phenomena as they appear to our awareness (Smith 2013).

Husserl was interested in what he called the "stream of consciousness" experiences (Cerbone 2014). He focused on phenomena as they appear through consciousness. He saw access to the structures of consciousness as a process guided by human intention (Moran 2013; Cerbone 2014). Therefore, consciousness is intentional (Moran 2013). A person can be conscious of or conscious about something (Moran 2013; Cerbone 2014). Acting consciously means acting intentionally since intentionality is a major part of one's consciousness (Moran 2013). He argued that intentionality is a process of directing the mind toward an object of study (Moran 2013). Hence, to be consciously aware was the starting point in building a person's knowledge of reality (Moran 2013; Christensen et al. 2017). According to Husserl, an intentional act is characterised by two types of experience: the "noesis" (what we experience) and the "noema" (how we experience) phenomena (Cerbone 2014; Christensen et al. 2017). By intentionally directing the focus on something, a person is able to develop a description of particular realities (Moran 2013; Christensen et al. 2017). Intentionality enables the researcher to come face to face with structures of

consciousness or the essential elements that make the experience identifiable as a unique experience (Moran 2013; Christensen et al. 2017)). Therefore, what you experience as an individual relates to your own personal cognitive and affective elements (Moran 2013; Christensen et al. 2017). How you experience a phenomenon gives meaning to that specific phenomenon (Christensen et al. 2017).

In “back to the things themselves”, Husserl encouraged researchers to set aside their biases or bracket themselves, which means to suspend one’s judgement in order to see the phenomenon of interest as it really is (Theodorou 2015; Christensen et al. 2017). He called this process phenomenological reduction or “epoche” (Cerbone 2014; Theodorou 2015). The aim is to unpack the phenomenon in its purity (Theodorou 2015). This means the researcher is able to explore the lived experiences of the compliance officer for PAIA uncontaminated by her own beliefs about the phenomenon of interest (Theodorou 2015). Such experiences come from individuals’ pure reflection on phenomena. According to Husserl, pure reflection is devoid of any outside influences or experiences as it focuses entirely on those pure experiences as recorded in an individual’s pure consciousness (Theodorou 2015).

Husserl’s “eidetic reduction” is a method for finding essences (Cerbone 2014; Theodorou 2015). This process of “eidetic reduction” brings about an intuition into something as essence by employing a method known as imaginary variation (Cerbone 2014; Theodorou 2015). In imaginary variation, objects are no longer conceived as material things but as essences (Cerbone 2014; Christensen et al. 2017). An essence is therefore a structure of essential meanings that explicates a phenomenon of interest (Christensen et al. 2017). The structure or essence makes the phenomenon what it is, and without which it would not be that phenomenon (Christensen et al. 2017). Therefore, essences are qualities of objects. Thus, the essences of individuals’ lived experiences appear in their pure consciousness (Cerbone 2014; Christensen et al. 2017). Phenomenologists believe that essences do not lurk behind or within objects, but are the objects grasped in their intentional character, as they are (Moran 2013; Christensen et al. 2017). It is only from a theoretical point of view that people are able to interpret (Moran 2013; Christensen et al. 2017). However, Heidegger rejected Husserl’s theory of reduction and argued that human understanding always requires

some form of interpretation (Qutoshi 2018). Hence, there is no knowledge or understanding without interpretation (Qutoshi 2018).

In summary, Husserl's phenomenology is a science whose objective is to establish the knowledge of essences. He urged researchers to set aside (bracket) preconceived ideas about the phenomenon of interest and to bring pure expression, rather than an interpretation, of everyday conscious experience. Thus, phenomenology must describe through "eidetic reduction" the essential elements of the immanent object or essences that directly make themselves known to intuition.

(ii) Heidegger's existential phenomenology

Martin Heidegger lived from 1889 until 1976 (Wheeler 2011). He was a German theologian who also changed his career to philosophy (Wheeler 2011), training under Husserl in the processes of phenomenological intentionality and reduction (Cerbone 2014; Smith 2018). Heidegger was so proficient in this endeavour that Husserl ensured that he succeeded him as a professor in philosophy (Wheeler 2011). Once established, Heidegger rejected Husserl's theory of knowledge (epistemology) and adopted the science of 'being' (ontology): he propagated the idea of 'being' in the world rather than 'knowing' the world (Kleiberg-Levin 2019). He challenged Husserl's phenomenological reduction to articulate an essence and developed his own theory of 'Dasein' (Kleiberg-Levin 2019). The word *da* means 'there' and *sein* meaning 'to be' in other words 'being in the world', which can be essentially interpreted to mean that the self and the world belong together (Smith 2018; Kleinberg-Levin 2019).

Like Husserl's descriptive phenomenology, Heidegger's existential phenomenology was concerned with human experience, as it is lived (Bowler & Farin 2016). To explore the concept of Dasein, Heidegger believed that interpretation should be at the core of any phenomenological endeavour (Bowler & Farin 2016). He argued that to be human is to interpret (Bowler & Farin 2016). Heidegger argued that man's relationship with phenomena is through lived experience and understanding that experience calls for interpretation (Schmidt 2014; Bowler & Farin 2016). Heidegger maintained that every encounter therefore entails some form of interpretation, which is influenced by one's background, culture, language and history (Schmidt 2014; Keane & Lawn 2016). Through the interpretative process, Heidegger's phenomenology sought to bring about understanding of phenomena and to disclose them (Schmidt 2014; Bowler & Farin

2016). Thus, the essence of human understanding is hermeneutic because our understanding of the world comes from our interpretation of it (Bowler & Farin 2016; Keane & Lawn 2016).

Heidegger believed that specific cultures, families and individuals organise their worlds around shared meanings (Keane & Lawn 2016). Therefore, human consciousness is not separate from the world since it is informed by the world or by the historically lived experiences (culture, language, beliefs) of the individual in the world (Bowler & Farin 2016). In Heidegger's view, human beings are born into a world that already has different cultures, beliefs and histories (Bowler & Farin 2016). The culture and history influence an individual's understanding of an experience (Bowler & Farin 2016). Hence, individuals cannot step outside of their background and interpret phenomena free from biases and history (Schmidt 2014; Bowler & Farin 2016). Thus, existential phenomenologists maintain that the world shapes us just as we shape the world (Wheeler 2011; Smith 2018). Therefore, in any phenomenological inquiry one has to account for the individuals' culture and background since they influence the way they interpret the world around them (Cerbone 2014).

We can summarise Heidegger's philosophy with the following statements:

- He rejected the theory of knowledge (epistemology) and adopted the science of 'being' (ontology).
- He propagated the concept of 'Dasein', which means the world as internalised in the self (self and the world belong together).
- His philosophy (existentialism) focuses on human existence as a more fundamental notion than human consciousness and human knowledge.
- He sought meaning that is embedded in everyday occurrences.
- He rejected Husserl's notion of bracketing because hermeneutics presumes prior understanding: a person's culture influences his/her understanding of an experience.
- He believed the essence of human understanding is hermeneutic. This means the experiences of the participant captured by the researcher are provisional rather than absolute, because the researcher is also limited by his/her own experiences. Thus, a perfect understanding of the essence of the experience will always remain hidden.

(iii) Gadamer's hermeneutic philosophy

Gadamer, a student of philosophy in the 1920s, was influenced by the works of both Husserl and Heidegger and decided to extend Heidegger's work into practical application. His argument was that Heidegger's phenomenology did not develop procedures for understanding phenomena (Gander 2014). The word *phenomenon* means that which shows itself in itself (Malpas & Gander 2014), while the word *logos* means language (Malpas & Gander 2014). These definitions relate to Heidegger's argument of letting "something be seen through speaking" (Wheeler 2011). Like Heidegger, Gadamer does not believe that concepts of science are adequate to understand human beings and their lived experiences, including their language of communication (Qutoshi 2018). Therefore, the procedures he espoused aim to clarify further the conditions in which human understanding takes place (Qutoshi 2018).

Gadamer believed that the key to investigating understanding is through language (Malpas & Gander 2014). He viewed language as the medium for understanding and a means of sharing the complexities of human experiences (Gander 2014; Grondin & Plant 2014). Gadamer argued that when we speak a common language, it ensures a shared acceptance of meaning and the ability to verbalise thoughts when alone or with other people (Fuyarchuk 2017). Thus, when we speak, we make what is not present manifest through language (Fuyarchuk 2017). Gadamer acknowledged that human beings are always biased and prejudiced in their understanding of language (Grondin & Plant 2014). These presuppositions are evident during the interview or the stage of analysis. However, the researcher should allow these preconceptions to adjust with the data (Grondin & Plant 2014). For instance, both the researcher and the participant bring ideas and attitudes that are value laden the interview (Fuyarchuk 2017). Therefore, it is the responsibility of the researcher to be aware of his/her own biases and to be open to reforming; that is, open to new meaning in order to share in the understanding and meaning the participant has about PAIA as the phenomenon of interest (Fuyarchuk 2017).

The questioning and interpretation by the researcher carry assumptions based on experience (Fuyarchuk 2017). Experience tends to limit what an individual exposes or knows. Hence, scholars caution that interpretation with an ideological bias has the potential to restrict the human ability to understand clearly and fully the phenomenon

of interest (Keane & Lawn 2015). Consequently, the hidden cannot disclose itself fully, and the work of interpretation is required to understand the meaning of the partial disclosure (Malpas 2018). For Gadamer, disclosure and hiddenness are mutually dependent: the disclosed reveals the presence of the undisclosed in the disclosed (Malpas 2018). Therefore, language reveals the truth concealed in a hermeneutic circle of ontological possibilities (Grondin & Plant 2014; Malpas 2018).

In hermeneutical phenomenology, Gadamer argued that it is important to gain the participant's understanding or gain shared understanding of the phenomenon under study (Warnke 2016). Hermeneutics is derived from a Greek word *hermeneutikos*, meaning 'to interpret' (Malpas & Gander 2014). Understanding the lifeworld of a participant requires a personal interpretative effort (Fuyarchuk 2017). Gadamer argued that the participant needs to feel heard and understood (Grondin & Plant 2014). Thus, it is critical for the researcher to grasp not just facts about PAIA, but also the integration of these facts into a meaningful whole (Grondin & Plant 2014). Gadamer emphasised that hermeneutics as a process helps with interpretation and understanding things from the perspective of the participant (Qutoshi 2018).

Gadamer, like Heidegger, posits that the researcher's preconceived ideas may limit his/her way of understanding the transcribed text (Qutoshi 2018). To overcome that, the researcher should acquire a horizon. For a person to acquire a horizon, he/she needs to look beyond what is close by in order to see better (Malpas 2018). The word *horizon* means "the totality of all that can be realized or thought about by a person at a given time in history and in a particular culture" (Malpas 2018). Hence, a person's horizon reveals how far he/she can see or understand: it is the limit of an individual's interest, knowledge or experience (Malpas 2018). When applying hermeneutics to the process of interpretation, Gadamer talks of a 'horizon' as a way to conceptualise understanding (Malpas 2018).

Gadamer's 'hermeneutic circle' suggests that the researcher should go beyond what the participant says in the interview transcript to find the essences or new meanings (Gander 2014). The journey round the circle requires the use of our imagination and not the logic to see what is questionable in the phenomenon of interest (Warnke 2016). When we use creative ideas to formulate questions related to the phenomenon of interest, we discover a new understanding or 'fusion of horizons' (Malpas & Gander

2014; Malpas 2018). The new understanding happens when the initial understanding shifts to a new understanding or horizon (Malpas & Gander 2014; Malpas 2018). Therefore, the initial meaning of the transcribed interview conversation with the compliance officer is not complete unless the researcher uses creative ideas and probes further to uncover other hidden meanings. Thus, the task of interpretation is to probe the possible meanings in order to understand what lies beyond the given appearance of the phenomenon called PAIA (Fuyarchuk 2017). Hermeneutics, therefore, promote the human potential for understanding the meaning of language to expand the infinite possibilities of human thought (Fuyarchuk 2017). It is the movement back and forth which enhances an understanding and interpretation of the meaning of language (Keane & Lawn 2016).

Gadamer rejected Husserl's idea of setting aside or bracketing ideas and attitudes. He argued that the methods used in phenomenological research are value laden (Grondin & Plant 2014). He views bracketing as impossible and absurd (Grondin & Plant 2014). To an extent, therefore, his phenomenology supports prejudice as a condition of knowledge that determines what we find intelligible in any situation (Grondin & Plant 2014). This means that an individual brings with him/her, own beliefs and experience that shape the understanding and interpretation of social phenomena: the background and culture – aspects that play a positive role in the search for meaning (Grondin & Plant 2014; Qutoshi 2018).

Idiography

There has been growing concern among scholars that qualitative research studies no longer focus on the parts to inform the whole (Smith & Eatough 2006; Smith et al. 2009). IPA seeks to address this concern by arguing for an intensive examination of the individual case before looking for patterns of convergence and divergence across cases (Smith et al. 2009:29). Therefore, IPA studies can use single-person case studies to get a unique perspective on the relationship to, or involvement of the person with the phenomenon of interest (Smith & Eatough 2006; Smith et al. 2009:29). Hence, this study used a single-person case study by interviewing the compliance officer at the SAHRC to capture his unique experience of dealing with PAIA compliance in the public sector (Kivunja & Kuyini 2017; Smith et al. 2009). The advantage of a single-

person case study is that the researcher is brought closer to the noteworthy aspects of the phenomenon under study (Noon 2018).

Hermeneutics

Interpretation in IPA is a dual process which involves deciphering the hidden meaning in the apparent meaning (Zimmerman 2015). IPA refers to this process as “double-hermeneutic”; unfolding the levels of meaning implied in the literal meaning (Zimmerman 2015). In double hermeneutics, two processes of interpretation take place. The first occurs when the participant makes sense of the phenomenon in his/her own terms. The second is when the researcher attempts to make sense of the participant’s meaning-making activity (Kivunja & Kuyini 2017; Noon 2018). The aim of double hermeneutics is to produce thick descriptions of the lived experience of the participant facing the phenomenon. In double hermeneutics the researcher can move beyond the obvious meaning to develop a textured, multi-layered narrative of possible meanings (Noon 2018).

The IPA hermeneutic circle informed the process of data analysis in this study in order to uncover the underlying factors affecting compliance and/or non-compliance with PAIA in the six public universities in Gauteng province. Henceforth, scholars emphasised that “it is not sufficient simply to describe meaning as it appears; we are also obliged to interpret it as it conceals itself” (Kearney 1994:94).

Using IPA for this study provided the researcher with an opportunity to get rich and thick descriptions of the lived experience of the compliance officer at the SAHRC (Alase 2017), who provided a detailed account of his unique experience dealing with PAIA compliance in the public sector (Kivunja & Kuyini 2017). Zimmerman (2015) refers to this first-person account as grasping the message. The face-to-face interview with the compliance officer gave the researcher an opportunity to observe the body language of the participant and explore in a deep way his ‘lived experience’ when monitoring compliance with PAIA in the public sector (Alase 2017). This experience of making oneself understood (as understood, interpreted and reflected upon by the researcher) is critical to interpretive research (Smith et al. 2009). Thus, experience is better understood when the researcher examines the meanings people attach to their experiences (Smith et al. 2009:3). As such, when people engage with an experience of something important in their lives, they begin to reflect on the significance of what

is happening. Thus, the use of IPA research for this study aims to engage with these reflections (Smith et al. 2009:40).

4.5. POPULATION AND SAMPLING

Scholars argue that in any qualitative research, it is important to choose people or a site that can best help you understand the central phenomenon under study (Creswell 2012:206; O’Leary 2014; Kumar 2019). Smith et al. (2009:48) posit that the samples should be selected purposively (rather than through probability methods) based on the relevant information they bring to the research table. Purposive sampling focuses on selecting people with rich information to provide depth to issues that are central to the purpose of the study (Patton 2002; Smith et al. 2009; Kivunja & Kuyini 2017). Thus, purposive sampling is preferred when the researcher selects a sample from whom a lot can be learnt (Faber & Fonseca 2014; Merriam & Tisdell 2016). Further, Boddy (2016) and Smith et al. (2009:51) argue that IPA studies usually use small sample sizes (1–6 participants). Consequently, the researcher, influenced by the above authors, purposively selected the compliance officer for PAIA at the SAHRC to collect primary data. The compliance officer is responsible for monitoring compliance with PAIA in the public sector including public universities in South Africa. Therefore, the focus of this study falls within the ambit of his work.

Further, in order to examine convergence and divergence in some detail, IPA recommends that the sample be drawn from a homogeneous pool of participants for whom the research question would be meaningful (Smith et al. 2009:49). Hence, this study purposively selected the six public universities in Gauteng province as an exclusively homogeneous pool in order to understand the factors influencing compliance or non-compliance with PAIA in these public entities. Although the researcher could not collect primary data directly from the universities under study, she was able to collect secondary data from their websites. Thus, the data collected from document reviews on PAIA compliance in the six universities of Gauteng province helped to corroborate the data collected in the interview with the SAHRC compliance officer. Public universities in Gauteng province provide the homogeneous pool of participating universities.

The essence of conducting an IPA study with homogeneous participants is to get a better gauge and a better understanding of their performance in relation to

phenomenon of interest (Creswell 2013: 155). However, Smith et al. (2009:49) caution that “this purposive homogeneous” sampling should not be construed as treating the members of the sample as an “identikit”, but as individuals who have similar experiences of the phenomenon under study. As already mentioned, the current study also used purposive sampling to limit the scope of the study to the six public universities in Gauteng province (Faber & Fonseca 2014). Purposive sampling also allows for maximum variation sampling (Patton 2002; Etikan, Musa & Alkassim 2016). A maximum variation strategy focuses on capturing and describing the central themes or principal outcomes that cut across the differences among the participating universities (Patton 2002; Etikan et al. 2016).

Public universities in South Africa have in common the fact that they receive funding from government, which excludes other income streams like fees, bursaries and donations (Bozzoli 2015), and they also receive their mandate from government. However, their mandates from government differ; hence, we have universities of technology, comprehensive universities and traditional universities (CHE 2010). It was considered interesting for this research study to capture significant common patterns emerging from this variation in university types in terms of PAIA compliance. Accordingly, Patton (2002:172) believes that any common pattern that emerges from great variation is of value and interest since it captures the core experience and shared aspects of the study.

The following table (Table F) illustrates the purposive selection of universities. Also included is the number of information officers per institution. According to PAIA, the head of a public body is the information officer of that public body. The researcher used the numeral “1” in the column for information officer to depict that each university has one information officer. Thus, information officers comprise an equal unitary number for each of the universities as indicated in the table below. Further, PAIA section 17(1) stipulates that every public body should designate a person/s as deputy information officer/s (DIO) to make information at the public university easily accessible to the public. The researcher used “unknown” in the column headed DIO to show that the deputy information officer (DIO) has uncertainty value, because the researcher would determine the fact later during document reviews (Morse 2000:3; Morse 2015). Thus, it is acceptable to use the term ‘unknown’ in qualitative

methodology, as seen in Table F- below (Morse 2000; Morse 2015). Although primary data collection could not take place at these universities, due to unforeseen circumstances the researcher was only able to collect secondary data directly from the website of each of the six universities under study (Bowen 2009; O’Leary 2014). Purposive selection of the universities helped to limit the scope of the study to public universities in Gauteng province, South Africa (O’Leary 2014).

Table G: Purposive selection

Public universities in Gauteng Province, South Africa			
University	Number of		
	information officers (IO)	deputy information officers (DIO)	
WITS	1		Unknown
VUT	1		Unknown
UJ	1		Unknown
UNISA	1		Unknown
UP	1		Unknown
TUT	1		Unknown

The IPA selection and invitation process presents multiple ways of choosing a small sample and inviting members of the sample to participate in the research project (Smith et al. 2009; O’Leary 2014). The IPA invitation is in line with the UNISA letter requesting participation in a research study. Initially, the letters requesting permission to collect data went to the six universities under study but, unfortunately, only one university responded positively. This prompted the researcher to write an email to the SAHRC (the legal custodians of PAIA and responsible for monitoring PAIA compliance in the public sector including public universities), requesting permission to collect data on PAIA compliance in the six universities. The SAHRC agreed to the request so, instead of collecting primary data directly from the universities, the researcher collected data from the SAHRC. In her endeavour to gain access to the participant, the researcher shared the information on the importance and benefits of this study using the ‘participant information sheet’ designed by UNISA (O’Leary 2014). This information sheet described the purpose and importance of the research study in detail (Snellman 2015; Sandu & Frunza 2017). Subsequently, the SAHRC compliance officer consented to participate in this study (Ferreira 2018).

4.6. DATA COLLECTION METHODS/TOOLS

Qualitative research is a methodology that allows natural conversation to take place between the researcher and the participant. A qualitative interview is a conversation with a purpose (Smith et al. 2009:57). This means the dialogue between the researcher and the participant centres on the research question. In this study, a semi-structured interview was used to collect primary data from the compliance officer. Semi-structured, one-on-one interviews allow the researcher and the participant to develop a relationship of trust that is not possible with a large sample (Creswell 2016; Kumar 2019). In this study, the rapport created helped the researcher to modify the initial interview question in the light of the participant's initial responses to elicit further appropriate responses (Smith et al. 2009:57). The interview was captured verbatim using a voice recorder. Later, the researcher transcribed the recording into text. In addition, documents gleaned from the websites of the six universities under study were used to corroborate the evidence obtained in the interview (Bowen 2009; Owen 2014).

4.6.1. Interview

An interview is a popular instrument for collecting qualitative data (Creswell 2013; Leedy & Ormrod 2019), as it allows the researcher to obtain the interviewee's opinions, feelings, beliefs and motives (Leedy & Ormrod 2019). Two types of interview dominate the face-to-face approach, namely, the structured and the unstructured interview (Bryman 2012; Creswell 2013). Structured interviews use closed or fixed questions and do not allow any deviation from the interview schedule (Creswell 2013; Kuvinja & Kuyini 2017), which dictates the process and content of the interview (Smith & Osborn 2008; Creswell 2013). According to the proponents of this type of interview, it represents reality and yields objective facts (Smith & Osborn 2008; Creswell 2013). On the other hand, semi-structured or unstructured interviews use open-ended questions to guide, but not dictate, the sequence of the interview (Noon 2018; Kumar 2019). Both closed and open-ended questions are used to solicit responses from the interviewee (Smith & Osborn 2008; Creswell 2013). Semi-structured interviews enable interaction between the interviewer and the interviewee and, during the interview, the researcher and participant directly or indirectly act as co-constructors of knowledge and meaning, (Smith & Osborn 2008; Kivunja & Kuyini 2017).

4.6.1.1. IPA interview

IPA is best suited to a data collection approach, which will “invite participants to offer a rich and detailed first person account of their experiences” (Smith et al. 2009:56; Alase 2017). IPA researchers want to analyse in detail how participants perceive and make sense of the phenomena facing them (Alase 2017). Although various methods exist to collect data for an IPA study, such as diaries and focus groups, the researcher elected to use a semi-structured interview (Pietkiewicz & Smith 2014; Kuvinja & Kuyini 2017), as she was convinced that this type of interview would be the appropriate instrument for gathering rich and thick descriptions of the experience of the PAIA compliance officer at the SAHRC (Leedy & Ormrod 2015; Kivunja & Kuyini 2017).

The flexibility of an IPA interview allows the participant to be original by providing novel ideas which the researcher can investigate in more detail (Noon 2018). In this study, the researcher conducted an intense and involved semi-structured interview with the compliance officer at the SAHRC lasting at least 60 minutes (Noon 2018). An interview schedule helped to guide the process of the interview but without dictating the sequence of the questions (Pietkiewicz & Smith 2014). The researcher opened the session with a warm-up discussion to establish rapport with the compliance officer and to make him feel comfortable to talk (Leedy & Ormrod 2015:285). IPA encourages any participant in an IPA interview to be original and talk freely without any inhibitions. (Anney 2014).

During the interview for this study, the researcher was able to read the compliance officer’s facial expressions, body language and emotions, as he narrated his experience monitoring compliance with PAIA in the public sector (Leedy & Ormrod 2015:274; Noon 2018). With the permission of the participant, the rich descriptions were captured using a voice recorder. After the interview, the researcher transcribed the recording into text format (Leedy & Ormrod 2015:287). The hard copy of the transcribed document is kept in a locked cupboard in the researcher’s office and a back-up soft copy is stored on the external hard drive of the researcher’s computer, to which access is controlled (Rubin & Rubin 2012; Snellman 2015).

To ensure that all interview questions would solicit adequate responses, the researcher used open-ended questions. Open-ended questions elicit rich and thick descriptions of the lived experience of the compliance officer for PAIA (Smith et al.

2009; Morse 2015). Whenever the participant's responses seemed inadequate, the researcher would probe using a specific or closed question to elicit an appropriate response (Smith et al. 2009; Noon 2018). The interview was credible because the researcher interviewed a subject-matter expert, with considerable experience in PAIA.

4.6.2. Document reviews

Document reviews serve to corroborate information gathered through the interview (Bowen 2009; Owen 2014). Accordingly, the researcher used the websites of each of the six public universities in Gauteng province, to check the status of the information manual (s 14). PAIA requires that the public bodies should publish their information manual on their websites and to include in the manual, the contact details of both the information officer and the deputy information officer of the public body (s 17). These details will facilitate access to information by the public.

In addition, PAIA obliges public bodies to publish a Section 15 Notice. This is a list of records that are readily available to the public and any member of the public may access these records from the university website without completing a formal request form (PAIA 2000). Subsequently, a book review checklist was developed and used to maintain consistency in the study. Access to the websites of these institutions enabled the researcher to review not only the manual (s 14) but also sections 15 and 17 which form part of the manual and without which the manual is incomplete and cannot be published. The researcher used the checklist to capture the data obtained from the section 14 manual of each university under study (Anney 2014; O'Leary 2014). In addition, the researcher used the checklist to capture data obtained from the section 32 report received from the SAHRC.

Rubin and Rubin (2012) suggest that the researcher should have a safe and secure place to keep data out of reach of unauthorised persons.

4.7. DATA ANALYSIS

The aim of qualitative data analysis is to discover patterns, concepts, themes and meanings (Miles, Huberman & Saldana 2013; Kumar 2019). Scholars view qualitative data analysis as working with the data, organising them, breaking them into manageable units, coding them, synthesising them and searching for patterns (Vaismoradi, Jones, Turunen & Snelgrove 2016). IPA analysis is preferred for this

study because of its analytical flexibility and its ability to focus on the lived experience of a single participant (Kivunja & Kuyini 2017). IPA guidelines were adapted to fit the objectives of this study and the guidelines were also followed in analysing the transcribed interview (Smith & Osborn 2008; Noon 2018), while secondary data collected by means of document reviews helped to corroborate the interview data (Bowen 2009).

In chapter five, the researcher provides a more detailed discussion on the processes followed in data analysis.

4.8. TRUSTWORTHINESS OF THE RESEARCH

Anney (2014) believes that any research project, irrespective of the methodology used, needs an evaluation. An evaluation conducted by peers, readers or sponsors is intended to address trustworthiness concerns as follows:

- How do we know that the findings presented are genuine?
- How do we determine the applicability of the findings of the inquiry in other settings or with other respondents?
- How can one know whether the findings would be the same if the study were repeated with the same participants in the same context?
- How do we know that the findings come from the investigation and that the outcomes are free from the researcher's biases?

Thus, trustworthiness in qualitative research assesses the extent to which the data collected and analysed are believable and trustworthy (Stumpfegger 2017). There are various strategies and criteria used to assess the trustworthiness of the findings in qualitative research (Martensson, Fors, Wallin, Zander & Nilsson 2016). This study adopted four strategies, namely, credibility, dependability, transferability and conformability (Martensson et al. 2016; Stumpfegger 2017). In the same vein, Korstjens and Moser (2018) and Anney (2014) remark that issues regarding the trustworthiness of research are very important to convince the reader about the validity and reliability of the study. Such issues indeed call for a researcher's precision throughout the research process. The researcher should communicate openly with participants and peers, and to account for any decisions taken in the study (Stumpfegger 2017; Korstjens & Moser 2018).

The researcher prefers to use the blanket term of 'trustworthiness' in this study to refer to all the strategies discussed below:

4.8.1. Credibility

Credibility in qualitative research is the extent to which the data collection and data analysis are believable and can be trusted (Creswell 2013; Hammarberg, Kirkman & de Lacey 2016). Other scholars define credibility as the confidence placed in the truth of the research findings (Creswell 2013; Korstjens & Moser 2018). According to Creswell (2013), credibility concerns itself with whether the researcher has measured what was he/she intended to measure, using appropriate tools. Credibility seeks to ascertain whether the findings are a reflection of the original data collected from participants, including the interpretation thereof (Anney 2014).

Given the above, the researcher ensured the rigour of the inquiry by adopting the following strategies to enhance the credibility of the findings: member checks; triangulation and peer debriefing.

4.8.1.1. Member checks

This study used a strategy of 'member checking' to increase the credibility of the results (Denzin & Lincoln 2005; Birt, Scott, Cavers, Campbell & Walter 2016). Member checks allow the researcher to communicate with participants to clarify uncertainties arising from the interviews. This open communication and prolonged involvement with participants further enables the researcher to reconfirm the accuracy of the data collected during the interview (Creswell 2013; Birt et al. 2016). During data analysis and interpretation, the researcher cites some of the words or phrases expressed by participants so that the voice of the participants can be heard (Onwuegbuzie & Leech 2007). Member checks help to eliminate bias in the analysed and interpreted data.

4.8.1.2. Triangulation

Triangulation involves the use of multiple and different methods, investigators, sources and theories to obtain corroborating evidence (Anney 2014; Onwuegbuzie & Leech 2007: 239; Fusch, Fusch & Ness 2018). It helps the researcher to reduce bias and it cross-examines the integrity of the responses received from participants (Heale & Forbes 2013; Marshall & Rossman 2016). The major triangulation techniques include

investigator triangulation, data/informant triangulation and methodological triangulation (Creswell 2013; Heale & Forbes 2013; Fusch et al. 2018). This study used data/informant triangulation.

Data/informant triangulation

This technique uses different data sources or research instruments such as interviews, documents reviews, focus groups and different informants to corroborate evidence and enhance data quality (Loh 2013; Fusch et al. 2018). In the current study, both an interview and document reviews were used to corroborate evidence and enhance the quality of data (Heale & Forbes 2013; Marshall & Rossman 2016).

4.8.1.3. Peer debriefing

According to Anney (2014), peer debriefing provides an opportunity for the researcher to seek professional advice from other scholars who know how to conduct a doctoral research study. In the current study, the researcher regularly submitted the work to her supervisor and co-supervisor at UNISA to get their comments. The feedback from the supervisors helped the researcher to make the necessary corrections until they were satisfied with the work. Peer debriefing thus helped the researcher to improve the quality of this research study.

The measuring instruments discussed above helped the researcher to measure what was supposed to be measured (Creswell 2013). Data collected from the interview and document review, enabled the researcher to determine their commonality (Creswell 2013; Anney 2014).

4.8.2. Transferability

Qualitative research studies use the term ‘transferability’ when referring to the ability to transfer research findings from a specific context to another, very similar context (Bryman 2012; Anney 2014; Schreier 2018). By contrast, quantitative research studies use the term ‘generalisation’ to refer to “the extent to which we can generalise the findings from a representative sample to an entire population regardless of the context” (Bryman 2012; Schreier 2018:84). Hence, various scholars believe that the transferability of research findings to other situations depends on the degree of similarity between the original situation and the situation to which findings are transferred (Babbie & Mouton 2010: 277; Korstjens & Moser 2018; Schreier 2018). It

is therefore possible to replicate this study to other public universities spread across the remaining eight provinces (Babbie & Mouton 2010: 277; Korstjens & Moser 2018; Schreier 2018).

According to Korstjens and Moser (2018:122), it is the reader and not the researcher who decides whether the research findings are relevant to the new context. This means that the reader makes the transferability judgement based on the rich data provided by the researcher, as well as the detailed research process the researcher followed. The responsibility of the researcher is to facilitate the transfer judgement by providing rich descriptions of the interview conversation (Anney 2014). IPA recommends that the researcher should capture the interview conversation verbatim: hence, the researcher used a voice recorder to capture the interview with the compliance officer (Pietkiewicz & Smith 2014; Noon 2018). The rich and thick descriptions in the transcribed interview conversation provide rich insights and nuances to help the reader understand the research findings (Alase 2017; Kivunja & Kuyini 2017).

Since the reader knows his/her specific context very well, he/she can determine whether the research findings for this study are transferable to his/her own setting/context (Korstjens & Moser 2018). The reader would normally identify links between the findings of the study, the extant literature, and his/her own personal and professional experience (Korstjens & Moser 2018). This means that the researcher should document clearly the procedures followed in the current study to enable the reader to follow the same procedures if conducting a similar study among public universities in his/her province (Korstjens & Moser 2018). In this study, the researcher endeavoured to document the research plan – research paradigm, research methodology, research design, data collection and analysis, tools and techniques – to enable the reader to understand the findings. The current study used purposive sampling to select both the compliance officer (subject matter expert) for the interview and the public universities in Gauteng province to review the PAIA documents on their respective websites (Boddy 2016). It is up to the readers, therefore, to decide whether this research study is transferable to other public universities in the remaining eight provinces of South Africa.

The idiographic approach used in IPA enables the replication of the same study in different provinces. Although IPA is very cautious about making general claims, the gradual accumulation of similar studies may nevertheless lead to general claims being made (Smith & Osborn 2008; Noon 2018). It is only after conducting this study in all the nine provinces that the researcher would be able to make a general statement about PAIA compliance in public universities in South Africa. However, Maritz and Visagie (2010) contend that the ability to generalise findings in qualitative research is irrelevant, because qualitative research focuses on describing and understanding unique situations or experiences. Hence, qualitative research can investigate a single case precisely because the researcher wants to understand the phenomenon in detail (Ritchie, Lewis, McNaughton-Nicholls & Ormston 2013). In this case, instead of aiming for findings that are generalisable to other situations, the qualitative researcher aimed to use the findings to guide other researchers in similar situations. Hence, the researcher has to provide a coherent description explaining and justifying the choice of research methodology, research design, instruments and techniques employed to collect and analyse data (Morse, Barrett, Mayan, Olson & Spiers 2002; Ritchie et al. 2013). The information and processes followed will therefore ensure the transferability of this study to a similar situation. It is now up to the reader/user to transfer the study to public universities in the remaining eight provinces of South Africa (Korstjens & Moser 2018).

4.8.3. Dependability

According to Korstjens and Moser (2018:121), dependability refers to “the stability of findings over time”. Dependability enables the participants to evaluate the recommendations, interpretations and findings of the study using supporting documentation from interviews the document reviews supplied by the researcher (Anney 2014). The main strategy for dependability is an audit trail (Creswell 2013; Korstjens & Moser 2018).

4.8.3.1. Audit trail

An audit trail involves an examination of the inquiry process and product, where the researcher accounts for all the research decisions and activities to show how the data were collected, recorded and analysed (Anney 2014). The audit trail is a useful strategy for establishing the dependability of the research outcomes (Anney 2014). In

this study, the researcher endeavoured to document the research paradigm, research methodology, research design, data collection and analysis, tools and techniques to enable the reader to understand the findings.

4.8.3.2. Triangulation

Triangulation involves the use of multiple and different methods, investigators, sources and theories to obtain corroborating evidence (Onwuegbuzie & Leech 2007: 239; Anney 2014; Fusch et al. 2018). It helps the researcher to reduce bias and it cross-examines the integrity of the responses received from participants (Heale & Forbes 2013; Marshall & Rossman 2016). The major triangulation techniques include the investigator triangulation, data/informants triangulation and methodological triangulation (Creswell 2013; Heale & Forbes 2013; Fusch et al. 2018). This study used the data/informant triangulation (see § 4.8.1.2.1 above).

4.8.4. Confirmability

Confirmability refers to the level of confidence that the findings of the research study genuinely come from the narrative and words of the participant rather than potential researcher biases (Anney 2014; Korstjens & Moser 2018:121; Kumar 2019) and seeks to ascertain the authenticity of data (Ritchie et al. 2013; Anney 2014). Scholars agree that confirmability is achievable through an audit trail or triangulation (Ritchie et al. 2013; Korstjens & Moser 2018). Accordingly, the current study used both triangulation and an audit trail to achieve confirmability.

4.8.4.1. Triangulation

See sections 4.8.1.2 and 4.8.3.2 above.

4.8.4.2. Reflexivity

Reflexivity is a state of being and thinking in which the researcher strives to understand the ways in which her own presence and perspective influence the knowledge created (Anney 2014). Double hermeneutics enabled the researcher to reflect on the participant's experience to interpret the meanings discovered (Smith et al. 2009). The researcher consequently used notes and the interview transcript to provide a plausible and credible explanation of the participant's account and also avoided making

assumptions (Anney 2014). Accordingly, the researcher and the participant co-constructed the findings of this study (Smith & Osborn 2008).

Table G. below describes the strategies for trustworthiness used in this study:

Table H: Strategies for trustworthiness

Criterion	Strategy	Applicability
Confirmability	Triangulation	<ul style="list-style-type: none"> Multiple methods of data collection are used; book reviews, individual interview Multiple theoretical perspectives
	Reflexivity	<ul style="list-style-type: none"> Researcher reflected on the experience of the participant to interpret meanings discovered. Reflexivity enabled the researcher to provide a credible and plausible explanation of the participant's accounts; in addition, she avoided making assumptions. The researcher reflected on the interview transcript and notes.
Credibility	Authority of researcher	<ul style="list-style-type: none"> Training in research methodology "I was there" Degree of familiarity with the phenomenon Ability to conceptualise large amounts of data Multidisciplinary approach
	Member checking	<ul style="list-style-type: none"> Cite words or phrases expressed by participants Discussion with participant after the interview to clarify facts. Informal member checking is done during the interview, by clarifying issues and summarising.
	Peer debriefing	<ul style="list-style-type: none"> Discussion with supervisors Presenting findings to supervisors/in-house
	Prolonged engagement	<ul style="list-style-type: none"> Building trust by honouring anonymity; being open and honest Establishing rapport by spending time with the participant before the interview
	Referential adequacy	<ul style="list-style-type: none"> References are current, relevant and accounted for in a list of references
	Triangulation	<ul style="list-style-type: none"> Multiple methods of data collection are used; book reviews, individual interview Multiple theoretical perspectives
Dependability	Audit trail	<ul style="list-style-type: none"> This process is logical and clearly documented in this study. The methodology, research design, data collection and analysis can be audited for authentication.
	Triangulation	<ul style="list-style-type: none"> Multiple methods of data collection are used; book reviews, individual interview Multiple theoretical perspectives
Transferability	Thick description	<ul style="list-style-type: none"> The participant's thick and rich descriptions The results are described in depth with direct quotations from the interview The results are re-contextualised in the literature
	Purposive sampling	<ul style="list-style-type: none"> Select person/s with ideas about phenomenon of interest

Source: Adapted from Anney (2014:275–279)

4.9. ETHICAL CONSIDERATIONS

This study is guided by the University of South Africa's (UNISA) ethical policy, as well as international ethical standards such as the Belmont Report of 1979 (Agle et al. 2014; Resnik 2015; Downe et al. 2016). Scholars agree that researchers should safeguard the identity, confidentiality and privacy of participants in research projects (Vanclay, Baines & Taylor 2013; Iphofen, 2016; Kumar 2019). Hence, the researcher sent a letter to the prospective participant seeking and soliciting his/her participation in the study (Agle et al. 2014; Iphofen 2016). In the letter, the researcher assured the prospective participant that his/her real identity would be protected (Saldana 2013; Kumar 2019). The researcher explained that care would be taken to ensure that no harm would come to the participant because of his/her involvement with the research project (Saldana 2013; Sandu & Frunza 2017). The researcher assured the participant that the process would be transparent to ensure that the findings accurately reflect his/her inputs (Resnik 2015; Sandu & Frunza 2017). Participant personally verified the research findings to ensure the credibility of the study (Kumar 2019).

Before the interview commenced, the participant read the participant information sheet to know and understand the purpose of the research (Resnik 2015), after which he/she signed the letter of consent to participate in the current study (Ferreira 2018). The researcher explained the purpose of the study and assured the participant that the information collected was for academic purposes only (Iphofen 2016; Kumar 2019). The researcher also explained the importance of achieving data integrity through active participation and consistency (Anney 2014; Kumar 2019) and assured the participant about the security of the data collected for this study (Rubin & Rubin 2012). As soon as the thesis is endorsed and the degree awarded to the researcher, the data will be destroyed professionally (Rubin & Rubin 2012; Downe et al. 2016; Kumar 2019). The discussion in this chapter falls under the four ethical principles of respect for the person, beneficence, justice and non-maleficence (Kumar 2019).

4.9.1. Respect for the person

According to Kumar (2019), the researcher should provide the prospective participant with adequate information to help him/her decide whether or not to participate in the study. Hence, the participant read the participant information sheet prior to the interview. Guided by Kumar (2019), the researcher ensured the protection of the

participant's privacy by guaranteeing the confidentiality of any information provided. The participant also read and signed the letter of consent, thus indicating his/her willingness to participate in the study (Ferreira 2018; Kumar 2019).

4.9.2. Beneficence

Beneficence or the 'do no harm' principle allowed the researcher to explain the benefits of participating in the study and the greater good this study would have for university stakeholders (Kumar 2019). Researchers still experience barriers in accessing information from universities depending on the subject under study. This study will help remove barriers to academic research by promoting transparency in university processes. The permission to collect data received from the SAHRC implied that the employer of the participant (SAHRC) understood the importance of this study for society. In addition, it was apparent that this study would cause no harm to the participant in terms of job security or personal reputation (non-maleficence).

This study is about compliance in public universities. Therefore, the researcher guarantees the anonymity of the participant and the universities under study. Thus, their real names were replaced with pseudonyms (Kumar 2019).

4.9.3. Justice

Procedures in the study are transparent and the researcher explained every step to the participant. The researcher explained the role of the participant in the study including his/her right to either participate or withdraw from the study (Kumar 2019).

4.9.4. Non-maleficence

Prior to the interview, the researcher established an atmosphere of trust and openness with the participant (Kumar 2019). The idea was to instil confidence in the participant as he/she 'relived the experience' of monitoring PAIA in the six universities under study (Kumar 2019). By establishing rapport and trust, the researcher allowed the participant to talk freely without fear of repercussions as demanded in IPA studies (Smith et al. 2009). The participant understood the potential risks associated with the study (Kumar 2019).

4.10. SUMMARY OF CHAPTER FOUR

The researcher adopted a qualitative methodology of a phenomenological genre (Kumar 2019). Qualitative studies are largely interpretive, hence, the choice of an interpretive philosophy to underpin this study. For the research design, the researcher adopted the IPA method proposed by Smith et al. (2009).

IPA recommends a small sample of participants (1–6) to afford the researcher an opportunity to obtain a deeper understanding of the social phenomenon (Smith et al. 2009). The initial plan was to collect data directly from the six public universities, however, the delays and/or mute refusals from the five universities prompted the researcher to seek and find an alternative, subsequently gaining the cooperation of the PAIA compliance officer at the SAHRC. The subsequent interview with the compliance officer provided the primary data for this study. In addition, document reviews were used to corroborate the data gathered from the interview. The researcher upheld ethical principles in respect of the identity and privacy of all participants.

CHAPTER FIVE

DATA ANALYSIS

5.1. INTRODUCTION TO THE CHAPTER

As an introduction, the researcher briefly describes the way in which data (both primary and secondary) were collected for this study. Thereafter, she proceeds to discuss the analysis of the primary data. Primary data were analysed following IPA guidelines, whereas the secondary data collected through document reviews help to corroborate the interview data.

Primary data for this study were collected using a single interview with the PAIA compliance officer at the SAHRC. Because the SAHRC is the legal custodian of PAIA the compliance officer is responsible for monitoring PAIA compliance in the public sector including public universities in South Africa. The compliance officer has extensive experience working with public universities and assisting them to comply with PAIA. The focus of this study is on the six public universities in Gauteng province. During the interview, the participant related their experience of helping the University of Mpumalanga to illustrate the lack of capacity at the SAHRC. Ideally, each province should have an SAHRC office to deal with PAIA and other human rights issues affecting the people, but as a result of financial constraints, most provinces rely on the office in Johannesburg for help. The Mpumalanga example used in this study does not remove the focus of the study from the six universities in Gauteng province.

IPA recommends that data be collected from people who can answer the research questions (Alase 2017). The compliance officer was able to offer the researcher rich descriptions of PAIA compliance among the six public universities in Gauteng. The interview was captured verbatim using a voice recorder, as IPA analysis relies on the actual words of the participant, enabling the researcher to connect, interpret and understand the essence of the meaning of PAIA compliance (Smith & Osborn 2008).

The researcher transcribed the recording into text format. This transcript enabled the researcher to analyse the data using the IPA guidelines recommended by Smith and Osborn (2008). IPA data analysis involves a double-hermeneutic approach; hence, the researcher read the transcript multiple times to unfold the levels of meaning implied

in the literal meaning (Smith & Osborn 2008). The aim was to produce rich multiple layers of meanings about the phenomenon of interest (Alase 2017). The single interview with the subject matter expert provided in-depth and rich information, thus enabling the researcher to understand the semantics and important nuances in the transcribed interview conversation.

To corroborate the interview data, the researcher used document reviews (Bowen 2009; Owen 2014). Copies of section 32 reports submitted by the six universities to the SAHRC, as required by law, were requested. Unfortunately, only one copy from one of the six universities was available for review. In addition, the researcher visited the websites of the six universities under study to review documents relating to compliance with sections 14, 15, and 17 of PAIA.

5.2. PRIMARY DATA: ANALYSIS USING IPA GUIDELINES

IPA analysis is guided by a set of principles. The process begins with a standard thematic analysis and then goes beyond that, as illustrated below:

- Reading and note making (Table H)
- Notes to emergent themes (Table I)
- Connecting emergent themes to form clustered themes (Table J)
- Producing a table of superordinate and clustered themes (Table K)
- Write up

5.2.1. Reading and note making

The researcher read the transcript multiple times to immerse herself in the data and to recall vividly the place where the interview took place and the atmosphere that prevailed. Every time she read the transcript, new insights emerged. IPA does not limit the researcher in what she can comment on (Smith & Osborn 2008). Hence, the researcher made notes on what was said and how it was said, including contradictions, repetitions, pauses, paraphrases and preliminary interpretative comments (see Table H below).

Table I: Reading and note making

Original transcript	Notes
<p>Researcher: Thank you. We are done with demographic details. Now we will focus on PAIA implementation and compliance with sections 14, 15, 17 and 32. Okay. Please describe your role and responsibilities as the compliance officer for PAIA.</p> <p>Participant: My role is to monitor compliance with PAIA in both public and private bodies. I also deal with inquiries related to PAIA. The inquiries are made telephonically, others by email. Recently, I received a call from the University of Mpumalanga. They said “we do not know anything about PAIA, but we want to comply. Please come and help us”. Therefore, I went there to conduct training and help with compiling the section 14 manual. I also compile monthly and annual reports on PAIA. I also compile and present the PAIA Annual Report to parliament. I also review and acknowledge the section 14 manuals, section 32 and section 51 reports received from public and private organisations. I do conduct training to any organisation that makes the request. However, lately, our training is minimal due to budget constraints. I also submit section 15 lists to the Department of Justice & Constitutional Development because other public bodies submit these to the SAHRC. I also submit to parliament recommendations related to the ACT.</p>	<p>The compliance officer is overwhelmed by the many tasks he has to perform.</p> <p>Evidence of a lack of capacity to deliver training in other provinces. Compliance officer had to leave office in Gauteng and go to Mpumalanga to deliver training. Mpumalanga expressed their lack of knowledge and understanding of PAIA, and requested help from SAHRC.</p> <p>SAHRC provides training to those who request it.</p> <p>Frustration at the lack of financial resources to boost capacity to provide training in other provinces. Government failed to provide needed funds for PAIA work at the SAHRC.</p> <p>Public does not understand PAIA processes, hence they submit Section 15 Notice to the SAHRC instead of the Department of Justice & Constitutional Development.</p>
<p>Researcher: Thank you. You mentioned that one of your responsibilities is to monitor compliance with PAIA in public bodies. Please explain how you do that.</p> <p>Participant: Yes, I do monitor compliance with PAIA in both public and private bodies. However, the monitoring is limited to section 32 reports submitted annually to the SAHRC. I normally receive, at the end of each year, section 32 reports from different government departments or public bodies...And, no matter how scant the information provided in the section 32 report, I use it to compile the PAIA Annual Report for submission to parliament. I base the decision about compliance or non-compliance with PAIA, on the submission of the section 32 report and not on the contents of the report. Unfortunately, I do not go out to institutions to look at the state of PAIA in their respective organisations to determine whether they comply or do not comply.</p>	<p>Monitoring compliance is passive not active.</p> <p>Criteria for determining compliance are not clear.</p> <p>Participant regrets not being able to check the state of PAIA in organisations.</p> <p>Lack of financial and human resources hinders the work of the SAHRC.</p> <p>Poor implementation of PAIA</p>
<p>Researcher: I thought you would be more concerned with section 14, which enables access to information held by public bodies and carries a sanction for non-compliance, rather than section 32.</p> <p>Participant: Unfortunately, not. The Commission is more concerned with access to information...like how many people were able to access information held by a public body. Therefore, that makes section 32 more appropriate.</p>	<p>Poor implementation of PAIA</p> <p>Commission not interested in section 14.</p> <p>Contradictory statement such as “we are more concerned with access to information ...” yet disregards section 14</p>
<p>Researcher: So, you do not monitor whether the institution has an approved manual or not?</p>	<p>Participant making assumptions</p> <p>Poor implementation of PAIA</p> <p>Total disregard for section 14</p>



Table J: Reading and note making (cont'd)

Original transcript	Notes
<p>Participant: No, no, no we do not. We assume that all institutions have the manual because it is easy to compile the section 14 manual. Fortunately, or unfortunately we concern ourselves with access to information. We want to establish whether the public can access information held by the public bodies hence our focus is on section 32 reports.</p>	<p>SAHRC is reactive rather than proactive. Participant tries to defend the SAHRC's position. Contradictory statement, the participant claims that the Commission wants to establish whether the public can access information held by public bodies and, at the same time, the Commission is not concerned about the manual.</p>
<p>Researcher: So, how do you determine compliance/non-compliance with PAIA?</p>	<p>Criteria for determining compliance or non-compliance are not clear.</p>
<p>Participant: The institutions that submits the section 32 report are compliant but those that do not submit are non-compliant.</p>	
<p>Researcher: Do you take into consideration the amount of information provided in the section 32 report to say the report is complete or incomplete?</p>	<p>Defensive. Criteria for determining compliance are not clear.</p>
<p>Participant: No, we do not. We work with the information we receive, however, scant.</p>	
<p>Researcher: Do you believe that the public universities are honest in their reporting in terms of section 32 of PAIA? Please explain.</p>	<p>Internal appeal processes lacking Chapter 9 institutions used by students to appeal decisions of universities.</p>
<p>Participant: No not at all, because some students do come to the Commission to complain that their institutions are refusing to give them the information they requested. They accuse the universities for lack of transparency. We have many cases where the SAHRC had to intervene on behalf of students.</p>	<p>Information provided in the reports is not complete and truthful. Lack of transparency in universities Lack of access to information held by universities SAHRC challenges decisions of universities.</p>
<p>Researcher: Describe your experience dealing with section 14 manuals from the six public universities in Gauteng province.</p>	<p>Participant deals with many organisations; unfortunately the Commission does not have a central repository for manuals received for review. Thus, he recommends we check the websites of the six universities to see if they have the manual.</p>
<p>Participant: I normally receive manuals for review from different organisations. I make my comments and send them back to the respective organisations to make the necessary corrections. It is difficult for me to say "yes" I do recall working on the manuals from the six universities because we do not have a central repository to keep electronic or paper copies of approved manuals. However, we can check the websites of these six universities to determine whether they have or do not have the manual. If they do, you will find that most of them are not up to date.</p>	<p>SAHRC has no central repository for records received by the Commission. Participant is concerned that most of the manuals on the websites are not up to date.</p>
<p>Researcher: Do you think compiling the section 14 manual is a difficult task?</p>	<p>Compiling the section 14 manual is not a difficult task, given the guidance and support available from the SAHRC.</p>



Table K: Reading and note making (cont'd)

Original transcript	Notes
<p>Participant: No, not at all (shocked). The SAHRC provides the notes and support to any organisation that request it. The template is available on our website and is straightforward and very easy to use. Some Deputy information officers (DIO) compile the manual themselves using the template and submit to the SAHRC for ratification and or endorsement. Once reviewed by the SAHRC, the manual is sent back to the DIO to make the necessary corrections. No, I do not think it is difficult (shaking his head and smiling).</p>	<p>It is easy to compile the manual.</p>
<p>Researcher: How long do you think it should take to compile the section 14 manual for a university?</p>	<p>Lack of information derails the completion of the manual.</p>
<p>Participant: It takes 3–4 days, maybe a week. That is, if the DIO has all the information required to complete the manual. Sometimes, the completion of the Manual delays because the DIO does not get the cooperation he/she needs from other business units within the university. For instance, section 14 requires that the university should list categories of records in their custody including the list of records that are readily available to the public. When the business units refuse to provide the required information, this delays the completion and publication of the manual. Some DIOs do not get the support they need from the head of the public body, who is their information officer (IO). They know we offer training in PAIA, but most IOs do not attend the training. Since they do not know or understand PAIA, they are unable to support it.</p>	<p>Lack of cooperation among business units within the university hinders the compilation of the manual. Resistance to change Lack of political will Management intransigence Poor leadership Lack of support from management hinders the completion of the manual. Lack of knowledge and understanding of PAIA prevents people from embracing the new legislation. Fear of the unknown</p>
<p>Researcher: Thank you. What do you look for to conclude that the manual is complete or incomplete? Mention at least three things.</p>	<p>Details of IO and DIO help facilitate access to information for the public. Sections 14 and 15 critical for approval of the manual. Criteria used to approve manual explained.</p>
<p>Participant: The contact details of the information officer (IO) and Deputy information officer (DIO), are very important to improve access to information for the public. In addition, they must attach the “request form” to the section 14 manual. However, sometimes, institutions submit the request form as a separate document from the manual. Another thing that I look for is the prescribed fees. The fourth, most important thing is the “Section 15 Notice”. I know you asked for three things and I am giving you four because all four are important for me to decide whether the manual is complete or incomplete (smiling).</p>	
<p>Researcher: Why is section 15 very important?</p>	<p>Section 15 promotes transparency and access to information.</p>
<p>Participant: Section 15 promotes transparency and access to information. However, it is depended on the culture of recordkeeping in the public body. If the public body has a good system for managing its records, it will be easy to compile the Section 15 Notice. Section 15 enables the public to access records of a public body without the hassle of filling in a form and waiting long for the response.</p>	<p>Sound records management facilitates access to information held by a public body. Section 15 Notice enables the public to access information.</p>



Table L: Reading and note making (cont'd)

Original transcript	Notes
<p>Researcher: Thank you. Regarding incomplete manuals from the public universities, what are the reasons put forward by these universities for failing to provide completed manuals.</p> <p>Participant: The most common excuse is “I don’t know how to compile the manual”. However, they do not seek help. Other reasons are “I am new in this position”. The reality is most senior management positions are on short contracts. An information officer may start a PAIA project, before he/she finishes, the contract ends. Well, lately some leaders leave under a cloud. You should know this because you work in a similar environment. Sometimes universities submit the “Section 15 Notice” separately and say, “I did submit the Notice, please find it”. In some cases, university management do not take access to information seriously. Some DIOs say when they request a list of records held by the university; they do not get any cooperation from the Registrar. Yet, the Registrar controls major administrative units within the university. Poor record keeping also affects the compilation of the lists of records held by the university.</p>	<p>Failure to compile a manual is due to the following:</p> <ul style="list-style-type: none"> • Lack of knowledge and understanding of PAIA • Staff turnover • Lack of support from management • Lack of political will • Lack of cooperation among business units • Resistance to change • Poor recordkeeping practices
<p>Researcher: Do you believe DIOs in the six public universities in Gauteng province know and understand their responsibilities toward PAIA?</p> <p>Participant: It is not only in the public universities but also, in the public sector in general, where there is no political will to implement and comply with PAIA. These public bodies have not invested enough on access to information as a human right. Some universities do not appoint DIOs. The ACT is clear that the information officer of a public body must designate a person or persons to be DIO(s). The designation should be in writing, with both the IO and DIO signing it. The designation should describe the responsibilities of the DIO clearly. Yet, we still find that some public bodies do not have a designated DIO. Most universities know about PAIA, but some do not. For instance, the University of Mpumalanga phoned the Commission saying they do not understand PAIA and requested training in PAIA as well as assistance in compiling the section 14 manual. I personally went there to train and assist them with the manual.</p>	<p>Compliance very low across the public sector.</p> <p>Disregard for access to information as a human right</p> <p>DIOs not appointed</p> <p>Resistance to change</p> <p>Total disregard for the law</p> <p>Disregard for human rights</p> <p>SAHRC is reactive rather than proactive.</p> <p>Some public bodies do not know or understand PAIA.</p> <p>Lack of capacity</p>
<p>Researcher: Therefore, you believe that most DIOs do not know or understand PAIA and their responsibilities to it.</p> <p>Participant: Yes, DIOs do not understand PAIA processes. Hence, they do not provide requested information to the public.</p>	<p>Lack of knowledge and understanding of PAIA</p> <p>Access to information hindered</p>
<p>Researcher: You mentioned that university management has not invested enough in PAIA. Why?</p> <p>Participant: Management in public bodies shows reluctance to change the way they do things until forced to do so. We have many instances where students come to complain to the Commission about the lack of transformation or lack of access to information in their institutions. It is only after the intervention from the Commission that the matter is resolved.</p>	<p>Intransigence in management</p> <p>Lack of political will</p> <p>Resistance to change</p> <p>Enforcement of legislation is required</p> <p>Lack of transformation</p> <p>Resistance to change</p> <p>Lack of appeal processes in the universities</p>



Table M: Reading and note making (cont'd)

Original transcript	Notes
<p>Researcher: Thank you. What programs do you have to help increase PAIA awareness in public universities?</p>	<p>Request training Making assumptions</p>
<p>Participant: We have a forum for DIOs held annually at the SAHRC. We have booklets and flyers available to the public. When public universities do not request training from the Commission, we assume that they know and understand PAIA. Therefore, the numbers should speak for themselves. If numbers are not there for us to analyse, there is a problem. It means the public bodies are not interested in PAIA.</p>	<p>Public awareness strategies Knowledge and understanding of PAIA</p>
<p>Researcher: Of the six public universities in Gauteng province, which ones have requested training from the Commission?</p>	<p>SAHRC has no record of training done in Gauteng/poor recordkeeping practices</p>
<p>Participant: The most recent request received is from Mpumalanga. I do not have any record of training conducted in any of the six public universities in Gauteng province. Some public universities know and understand PAIA. In Gauteng province, the University of Witwatersrand is consistent in complying with section 32 reports. This means they know and understand PAIA even though they did not request the Commission for training.</p>	<p>Assumptions made SAHRC reactive not proactive Public awareness of PAIA Lack of knowledge and understanding of PAIA SAHRC reactive rather than proactive</p>
<p>We measure understanding or the lack of understanding of PAIA by the number of requests we receive for training. When we receive a request for training, we see that the interest and the will is there. However, if a public body does not request training, we assume that they know about PAIA.</p>	<p>Training available to those who request it Making assumptions Passive monitoring</p>
<p>The newly appointed Information Regulator will soon take over PAIA. The Commission has recently (2019) downscaled training. Therefore, we are doing minimal training lately. Nevertheless, the six public universities in Gauteng did not request any training in PAIA.</p>	<p>Poor implementation of PAIA Transfer PAIA to oversight body SAHRC eager to hand over PAIA to the Regulator Budget constraints affecting PAIA training Decision to scale down training may be premature</p>
<p>Researcher: Thank you. Do you believe that the SAHRC has succeeded in promoting PAIA in public universities in South Africa?</p>	<p>Financial constraints hinder the work of the SAHRC</p>
<p>Participant: Not to an extent. Due to financial constraints, training has suffered, public awareness campaigns have also suffered. In terms of compliance, the Commission has provided easily accessible information and guidance to help public bodies comply with PAIA. The Commission continues to do collaborative work related to PAIA with various stakeholders. The most recent work we did this year (2019) was with the university of Pretoria during “right to know” celebrations. I believe we can do more to raise awareness of PAIA. Public awareness of PAIA is a big problem.</p>	<p>SAHRC laments that the public is not aware of PAIA Commission can only do so much under the circumstances Lack of knowledge and understanding creates big problems</p>
<p>Researcher: What is your experience dealing with section 32 reports?</p>	<p>Paints a bleak picture of compliance Generally, compliance with section 32 is very low across the public sector</p>



Table N: Reading and note making (cont'd)

Original transcript	Notes
<p>Participant: Compliance with section 32 is very low across the public sector. For example, for the financial years: 2015/2016, 2017/2018, 2019/2020 combined reports indicate that in Gauteng province, only one university is consistently compliant.</p>	
<p>Researcher: You mentioned one university, what about the other five public universities in Gauteng province?</p>	<p>Most universities in Gauteng province do not comply with section 32 of PAIA.</p>
<p>Participant: No, they do not comply with PAIA.</p>	
<p>Researcher: What is the Commission going to do with the public bodies who do not comply with PAIA?</p>	<p>PAIA compliance is extremely low across the public sector.</p>
<p>Participant: The Commission has started to approach the municipalities. They have written letters to the information officers of the respective municipalities, but the response is seriously, low. We may not get to the point of approaching the universities since the Regulator will be taking over PAIA soon. Oh! We cannot wait to hand over PAIA.</p>	<p>Commission frustrated and helpless Eager to hand over PAIA to the Regulator</p>
<p>Researcher: Why are you eager to hand over PAIA?</p>	<p>Commission believes that the new Regulator will hold people accountable for their actions. The Commission wants the Regulator to enforce the law. The Commission believes that punishment for non-compliance will increase compliance.</p>
<p>Participant: We want to see the Regulator holding those who do not comply, accountable for their actions or inaction. The SAHRC has no teeth. Hence, the levels of compliance with PAIA are very low.</p>	
<p>Researcher: Do you believe that the six public universities in Gauteng province are committed to transparency?</p>	<p>Resistance to change They lack transparency Access to information is difficult. Lack of internal appeal mechanisms Reliance on external appeal mechanisms</p>
<p>Participant: I do not think so. Based on regular complaints from some of their students. Students approach the Commission to complain that their universities are not transformed. That they are not transparent.</p>	
<p>Researcher: What is the way forward?</p>	<p>SAHRC recommends that the Act be reformed/amended. Enforcement Committee to hold people accountable. Additional laws needed to enforce PAIA. SAHRC welcomes the Regulator and is optimistic that PAIA compliance will improve. New projects to increase public awareness PAIA training to increase Clarity of terms</p>
<p>Participant: Government should amend the PAIA legislation. We advised parliament to reform this ACT. We need stringent laws to enforce PAIA. The Office of the Regulator through their "Enforcement Committee" headed by a judge should hold both public and private bodies accountable. Once the Regulator takes over PAIA, there will be dual training for stakeholders and officials. The Regulator will implement PAIA law clinics, while government is required to provide clarity on the definitions in the ACT. More clarity is also required on access fees. The ACT itself should be re-looked at. The SAHRC has no teeth, yet, the Regulator does have. We cannot wait to hand over PAIA to the Regulator.</p>	

5.2.2. Notes to emergent themes

The researcher transformed the notes into concise phrases, which reflected the essence of the meaning unearthed from the transcript. The notes remained grounded in the actual words of the interviewee to allow theoretical connections to occur. Concise phrases serve as labels for emerging themes. See Table 'I' below:

Table O: Notes to emergent themes

Notes	Emergent themes
The compliance officer is overwhelmed by the many tasks he has to perform.	Lack of capacity at the SAHRC
Compliance officer had to leave Gauteng and go to Mpumalanga to deliver training.	Lack of capacity at the SAHRC
Government wilfully refuse to provide financial resources to hinder the work of the SAHRC.	Lack of resources Lack of political will
SAHRC does not go to institutions to monitor compliance. Participant believes that it is the responsibility of individual institutions to ask the Commission for help.	SAHRC is reactive not proactive Lack of capacity Poor implementation of PAIA
The SAHRC uses section 32 reports received to determine compliance.	Poor criteria for determining compliance
Participant regrets not being able to check the state of PAIA in organisations.	Poor implementation of PAIA
Lack of financial and human resources hinders the work of the SAHRC.	Lack of political will
Participant insists that the Commission is more concerned with whether people do access information held by the public body. Ironically, the Commission is not concerned with whether the public body has published the manual to facilitate access to information as required in section 14.	Poor implementation of PAIA Contradictions Defensive
The act of submitting the section 32 report qualifies the public body as compliant with PAIA. This is absurd because many public bodies provide minimal or nil responses to questions asked. More so, the participant believes that these public bodies are not honest in their reporting.	Poor criteria for determining compliance with PAIA
Students are unable to access information at their universities.	Lack of transparency Poor recordkeeping practices Lack of transformation in universities
SAHRC has no central repository for records received by the Commission.	Poor recordkeeping practices
Participant is concerned that most of the manuals on the websites of these universities are not up to date.	Low levels of compliance.
Compiling the section 14 manual is not a difficult task, given the guidance and support available from the SAHRC.	Defensive Poor implementation
It is easy to compile the manual.	



Table P: Notes to emergent themes (cont'd)

Notes	Emergent themes
Refusal by business units within the university to provide lists of records in their custody delays the compilation of the manual.	Lack of cooperation Poor recordkeeping practices Intransigent management Lack of support
The contact details of the IO and DIO must be listed in the manual to facilitate access to information for the public.	Transparency Access to information
Sound records management promotes transparency and provides the basis for access to information held by a public body.	Records management Access to information Transparency
Public bodies give reasons for their failures to publish the manual.	Lack of knowledge of PAIA Staff turnover Lack of support from management Lack of political will Lack of cooperation among business units Poor recordkeeping practices
Management has not invested in access to information as a human right.	Resistance to change Lack of political will
The SAHRC has no authority to enforce the law	Lack of political will Oversight body needed to enforce the law
SAHRC has no record of training done in Gauteng province.	Poor recordkeeping practices
SAHRC passively monitors compliance	Lack of capacity
SAHRC eager to hand over PAIA to the Regulator.	Feeling helpless
Financial constraints hinder the work of the SAHRC.	Lack of political will
	Lack of resources
SAHRC laments that the public is not aware of PAIA.	Public awareness is low.
Commission has no "teeth".	Feeling helpless
Participant paints a bleak picture of compliance.	Compliance is very low.
	Disappointed
Many universities in Gauteng province do not comply with PAIA.	Disappointed
	Low levels of compliance
Commission frustrated that they cannot hold anyone to account. Hence, they want to hand over PAIA to the Regulator.	Disappointed
	Low levels of compliance
	Helplessness
	Frustrated
	Lack of accountability
	Lack of enforcement of the law
	Oversight body
	Enforcement of the law



Table Q: Notes to emergent themes (cont'd)

Notes	Emergent themes
Some public universities resist transformation and they lack transparency.	Culture of secrecy Lack of transformation Lack of transparency
Universities do not provide reliable information. Access to information is difficult.	Poor recordkeeping practices Culture of secrecy
SAHRC recommended that the Act should be reformed, amended.	Ambiguity in legislation
New laws needed to enforce PAIA.	Enforcement of legislation Oversight body
SAHRC believes that PAIA compliance will improve when Regulator takes over from them.	Optimism Oversight body

5.2.3. Connecting emergent themes

At this stage, emergent themes that relate with each other according to conceptual similarities were grouped together to form clustered themes. An emergent theme that attracted other themes to it became the superordinate theme.

5.2.4. Producing a table of superordinate and clustered themes

Each cluster of themes uses a single phrase to form the superordinate theme. The following table (Table J) illustrates the connection between clustered themes and superordinate themes.

Table R: Table of superordinate and clustered themes

Clustered themes	Superordinate themes
Lack of capacity Lack of financial resources Lack of public awareness Lack of internal appeal mechanisms Lack of affordable external appeal mechanisms Ambiguity in legislation Total disregard for PAIA Disregard for human rights Passive monitoring Lack of support from leadership Lack of accountability Lack of enforcement of legislation Reform legislation Amend legislation Law enforcement Oversight body required	Lack of political will



Table S: Table of superordinate and clustered themes (cont'd)

Clustered themes	Superordinate themes
Passive monitoring SAHRC reactive not proactive Poor criteria for compliance Making assumptions State of PAIA in public bodies unknown Disregard for section 14 Poor recordkeeping practices Lack of repository at SAHRC Low levels of compliance Lack of public awareness	Poor implementation
Incomplete, unreliable reports Lack of transformation Lack of transparency Poor recordkeeping practices Lack of access to information Lack of cooperation Intransigent management Resistance to change Lack of support from leadership Lack of internal appeal processes Lack of public awareness of PAIA	Culture of secrecy

5.2.5. Write up

In this section, the researcher outlines the essence of the meanings as experienced by the participant. The write up is therefore an extension of the analysis process. It translates the various themes (themes and subthemes) into a narrative account. The narrative is interspersed with verbatim extracts from the transcript to support the arguments.

The participant, who is an authority on PAIA, related his experience of monitoring compliance with PAIA in the public sector and specifically in the six public universities under study. His account centred on three superordinate themes: lack of political will, poor implementation of PAIA and the culture of secrecy.

5.2.5.1. Lack of political will

According to the participant, the SAHRC, an agency of government established to protect democracy and human rights, was struggling to discharge its duties in relation to PAIA without the expressed support of government. The participant further stated

that the government is pulling the purse strings, making it difficult for the SAHRC to conduct training on PAIA to increase awareness among the public: “Due to financial constraints, training has suffered, and public awareness campaigns have also suffered.” Consequently, the SAHRC had to scale down training throughout the country: “Lately, our training is minimal due to budget constraints.” The lack of financial resources meant that a few people had to do more work. Hence, there is a lack of capacity at the SAHRC. Among the responsibilities of the participant listed in the transcript, was dealing with inquiries and queries from the public related to PAIA. Thus, due to the lack of capacity, the Gauteng office of the SAHRC had to handle queries or inquiries from other provinces. When the University of Mpumalanga called the SAHRC office in Braamfontein to inquire about PAIA, the participant personally took the call: “I received a call from the University of Mpumalanga. They said, we do not know anything about PAIA, but we want to comply. Please come and help us. So, I went there to conduct training and help with compiling the section 14 manual.” This is a typical example of lack of capacity at the SAHRC. The ideal situation would be for the Mpumalanga people to work with the SAHRC office in their province, if one existed. This example does not deflect the focus of this study on public universities in Gauteng province.

Further, the participant lamented the total disregard for PAIA by the leadership in the public sector: “It is not only in the public universities but the public sector in general, where there is no political will to implement and comply with PAIA.” Although the Act stipulates that public bodies should designate deputy information officers (DIO) to deal with PAIA requests, the participant confirmed that most public bodies do not comply: “We still find that some public bodies do not have a designated DIO.” The sad thing about this attitude of indifference to PAIA is that it encourages the violation of human rights: “These public bodies have not invested enough on access to information as a human right.” Thus, the lack of “public awareness of PAIA is a big problem”.

The SAHRC is aware of the low levels of compliance across the public sector but is helpless to resolve the situation. The participant is disappointed that “most public universities in Gauteng province do not comply with PAIA”; in fact, “PAIA compliance is extremely low across the public sector”. The participant agreed that “more could be

done to raise awareness of PAIA”. Currently, the lack of “public awareness of PAIA is a big problem”.

Although the SAHRC has a legal responsibility to monitor PAIA compliance across the public and private sector, it does not have the authority to hold those who do not comply accountable. According to the participant, “The Commission has started to approach the municipalities. We have written letters to the information officers of the respective municipalities, but the response is seriously low. We may not get to the point of approaching the universities since the Regulator will be taking over PAIA soon. Oh! We can’t wait to hand over PAIA.” Then, he said emphatically “we want to see the Regulator holding those who do not comply accountable for their actions or inaction. The SAHRC has no teeth. Hence, the levels of compliance with PAIA are very low”.

The researcher asked the participant about the way forward. His response was that “PAIA legislation should be amended”. His experience working with PAIA exposed him to a lot of ambiguity in the legislation: “The definitions in the legislation should be made clearer. We need more clarity on access fees. The Act itself should be re-looked at. Parliament is informed that this Act should be reformed.” The participant blamed the DoJ for failing to implement the recommendations made by the SAHRC to parliament. While some scholars want a court of law to clarify the extent to which the recommendations made by the SAHRC can be binding (Ngoepe & Mojapelo 2017:43), the participant argued, “We need more stringent laws to enforce PAIA in South Africa. Also, the Office of the Regulator through their Enforcement Committee headed by a judge should hold both public and private bodies accountable”. To raise public awareness of PAIA, the participant believed that “once the Regulator takes over PAIA from the SAHRC, there will be dual training for stakeholders and officials. PAIA law clinics will be implemented”.

5.2.5.2. Poor implementation of PAIA

During the interview, the participant alluded to the fact that the SAHRC is not certain about the state of PAIA in the public sector, in particular in the six public universities under study: “I do not go out to institutions to look at the state of PAIA in their respective organisations to determine whether they comply or do not comply.” These comments from the participant indicate that the Commission does not actively monitor compliance: “The monitoring is limited to the section 32 reports submitted to the

SAHRC.” The participant believes that “the institutions that submit the section 32 reports are compliant but those that do not submit are non-compliant”. However, it is not clear which criteria he is using to determine compliance or non-compliance: “I base the decision about compliance or non-compliance with PAIA on the submission of the section 32 reports and not on the contents of these reports.” His remark, “We use information received no matter how scant”, shows that their criteria for compliance with section 32 are not clear. Section 32 lists specific questions requiring answers on how public bodies, including universities, handled requests for information. Reports received by the SAHRC from some public universities indicated that they had not received any requests for information from the public. Hence, they had nothing to report. However, the compliance officer believes that these universities are not telling the truth, as their students complain to the Commission that these universities generally ignore their requests for information. The compliance officer maintained that these universities are not truthful: “No not at all, universities are not honest in their reporting.”

The participant has experienced dismal performance relating to PAIA compliance among public bodies, including the six universities: “Some universities do not appoint DIOs” and “it is not only in the public universities but also the public sector in general where there is no political will to implement or comply with PAIA.” Hence, “the levels of PAIA compliance are very low across the public sector”.

The above arguments put forward by the participant, the PAIA compliance officer at the SAHRC, confirm that PAIA implementation did not follow a logical plan. The SAHRC did not assess the state of readiness in public institutions to implement PAIA. Importantly, access to information in public bodies depends on records; however, nobody took responsibility for ensuring that sound records management systems were in place in universities to facilitate ease of access. If a public body’s records are in disarray, information will be difficult to access and it will be difficult to comply with PAIA. For instance, the compilation of section 14 manual requires the public body to know the records in their custody. It will be difficult for a public body to provide a list of the records in their custody if they do not adhere to good recordkeeping practices and standards. It is therefore, unfortunate, that the SAHRC assumed that complying with section 14 of PAIA would be easy without having established the state of records

management in these public bodies. This is one of the reasons for such comments as “we don’t concern ourselves with section 14. We assume that all institutions have the manual because it is very easy to compile section 14 manual”. The lack of a central repository at the SAHRC also attests to the prevailing poor recordkeeping practices in the public sector.

5.2.5.3. Culture of secrecy

A culture of secrecy is endemic in public bodies including universities (O’Malley 2016). Some scholars believe that the business of universities has always been cloaked in secrecy (Kigotho 2013; O’Byrne 2015). This culture is perpetuated by the fact that public universities lack internal appeal procedures that might enable students to challenge decisions by the former in relation to PAIA (McKinley 2003; SAHA 2016). Although the Act recommends that students should use the local courts to seek such relief (Roling 2007; Peekhaus 2014), since the majority of students in public universities come from poor families, they cannot afford the high costs of litigation or the tedious processes involved. Instead of using the local courts, students approach Chapter 9 institutions such as the SAHRC and SAHA to intervene on their behalf. Unlike the local courts, Chapter 9 institutions do not charge any money for legal representation on matters related to human rights abuses, including the right to access information and thus are popular with students. For instance, aggrieved students go to the SAHRC to complain about the lack of access to information in their respective universities. These students perceive their universities as resistant to change: “Students approach the Commission to complain that their universities are not transparent. Students claim that when they request information from their respective universities, they get inaccurate information or no response.” The participant shared similar sentiments when he described the low levels of compliance with PAIA in universities: “These universities have not invested enough on access to information as a human right.” When asked if he thinks these universities are honest in reporting about PAIA, he exclaimed, “No not at all, universities are not honest in their reporting”.

Where public bodies fail to maintain proper records, access to information will be difficult (Shepherd & Yeo 2003; Allan 2009). In response to the researcher’s request for copies of the section 14 manuals available at the SAHRC, the participant confessed that the Commission did not keep copies of approved manuals (either the hard or the

soft copies). However, “We can check the websites of the six universities to determine whether they have published their manuals or not. If they do, you will find that most of them are not up to date”. Subsequently, the secondary data obtained from university websites confirmed that some universities do not have manuals and the manuals of others are not up to date. The purpose of the manual is to facilitate access to timely, accurate information. It is therefore disturbing that some students accuse the universities of providing inaccurate information. At the same time, the Commission accuses these universities of dishonest reporting when filing section 32 reports.

The participant was disappointed that the Commission could not do enough to promote public awareness of PAIA due to financial constraints. He believed that when people know and understand their rights, they are able to exercise them. Similarly, when they do not know or understand them, they cannot use the Act. The reporting in terms of section 32 suggests that stakeholders are not making requests for information held by the universities. However, the participant dismissed their claims, saying that these universities are not being honest in their reporting. It is possible, however, that to some extent stakeholders may not be aware of PAIA due to insufficient training. This lack of awareness of PAIA robs stakeholders of the opportunity to access information to exercise or protect their rights. Hence, the lack of public awareness of PAIA is a big problem.

The participant believed that a culture of secrecy is firmly entrenched in public universities. He mentioned some of the challenges some DIOs face in discharging their duties related to PAIA: “Sometimes the completion of the manual is delayed because the DIO does not get the cooperation from the Registrar”, or the “DIO does not get the cooperation she/he needs from other business units within the university.” Some “DIOs do not get the support they need from the head of the public body who is the information officer (IO)”. The participant exclaimed, “They know we offer training in PAIA but most IOs do not attend the training. Since they do not know or understand PAIA they are unable to support it”. He acknowledged, “Management does not want to change the way they do things until they are forced to do so”. Unfortunately, the SAHRC does not have the authority to enforce the law, but the new Regulator will hold people accountable for their actions.

5.3. SECONDARY DATA (DOCUMENT REVIEWS)

After the interview, the researcher requested the compliance officer to provide copies of section 14 manuals and the latest section 32 reports submitted to the Commission by the six public universities in Gauteng province. However, the compliance officer was only able to provide one report (section 32) from a university in Gauteng. No records were available for the remaining five universities, meaning essentially that they had not submitted their latest section 32 reports. Regarding section 14 manuals, the compliance officer admitted that the SAHRC does not have a repository for storing hard or soft copies of approved manuals from South African universities. Because PAIA requires public bodies to publish the manuals on their respective websites, the compliance officer recommended that the researcher should visit these websites to see if they had adhered to sections 14, 15 and 17 of PAIA, which the researcher then did. As previously noted, the section 14 manual includes details on sections 15 and 17 of PAIA, so each university's manual, if published, would be able to provide the researcher with information about PAIA sections 14, 15 and 17. The researcher subsequently used a checklist to collect secondary data related to compliance with sections 14, 15, 17 and 32 of PAIA. The nine questions used in the checklist and the data collected from the document reviews are depicted in appendix 6.

Data collected through document reviews shows a bleak picture of PAIA compliance in some of the universities. Although PAIA has been in existence for at least nineteen years, some universities are yet to implement it. The ineffective implementation of PAIA in universities is largely due to wilful neglect; while many of these universities know and understand PAIA they are inconsistent in their compliance with the provisions of the Act. As the compliance officer at SAHRC indicated, universities lack an appreciation of the importance of the right to access information. This lack of buy-in by some of the executives and senior management to the spirit and principles of PAIA has contributed to the attitude of indifference toward PAIA. The culture of secrecy that is firmly entrenched in these universities hinders any attempts to comply with PAIA. In addition, some public universities have failed to appoint DIOs, while others have consistently failed to compile, publish or update the section 14 manual and some have failed to publish the Section 15 Notice. Consequently, it may be stated that PAIA compliance is low overall among public universities in Gauteng province. University stakeholders do not know or understand PAIA and are unable to apply it.

The result is that we need an effective, efficient and usable mechanism to enforce PAIA in South African public universities.

5.4. SUMMARY OF CHAPTER FIVE

In this chapter, the researcher adopted two methods for collecting data. One was the semi-structured interview and the other document reviews, which were used corroborate the data obtained from the interview. The interview involved a single key informant from whom primary data were collected using an idiographic approach, which focused on the depth and not the breadth of information. The interview was captured with a voice recorder and the recording was later transcribed into text to facilitate the analysis, which was guided by IPA. Three major themes emerged, which constituted the findings of the study.

CHAPTER SIX

FINDINGS AND DISCUSSIONS

6.1. INTRODUCTION TO THE CHAPTER

In this chapter, the researcher presents three superordinate themes and their sub-topics which emerged from the analysis. The superordinate themes are as follows:

- The lack of political will
- Poor implementation of PAIA
- The culture of secrecy.

These three themes constitute the findings of this study and encapsulate the detailed account of the lived experiences of the participant at the SAHRC. The participant is responsible for monitoring compliance with PAIA in the public sector, including the six universities under study.

6.2. PRESENTATION AND DISCUSSION OF FINDINGS

The three themes and their related sub-topics emerging from the analysis represent the factors affecting compliance with PAIA sections 14, 15, 17 and 32 in the six universities under study. These themes underlie the root causes of compliance/noncompliance with PAIA in the six universities, for instance the lack of political will on the part of the government came out very clearly in the interview conversation with the participant. According to the participant, the South African government has the power to make PAIA work, yet seemingly, it is not doing so. Hence, the first major factor affecting compliance in the six universities under study is the lack of political will to make PAIA work. The lethargy of the part of government toward PAIA has resulted in low levels of compliance with the Act across the public sector.

The second major factor affecting compliance is the poor implementation of PAIA in universities. According to the participant, the SAHRC mandate is to promote PAIA, as well as to assist public and private bodies to implement the Act and monitor compliance. Unfortunately, the presence of various challenges has meant that the SAHRC cannot fully discharge its mandate. The third major factor affecting compliance

with PAIA is the prevailing culture of secrecy that seems to be entrenched in universities. While PAIA is not only concerned with promoting access to information as a legal right, it is also concerned with changing the culture of secrecy to one of transparency, thus rendering the Act an enabling legislation. Sadly, certain public universities in South Africa are reluctant to change from a culture of secrecy to one of transparency, accountability and good governance.

The following is a detailed presentation and discussion of the three major themes that constitute the findings of this study:

6.2.1. Lack of political will

For the purpose of this study, the researcher will use the following definitions of 'political will':

- The Concise Oxford English Dictionary [Online] defines 'political will' as "the firm intention and commitment of a government to carry through a policy, especially one that is not immediately popular".
- Political will is "when a political leader is willing to commit precious time, resources and political capital to achieve change. When a leader is prepared to take risks and incur opportunity costs to that end, we can safely say the leader exhibits 'political will'" (Hope 2017:179).
- According to Post, Raile and Raile (2010: 659), political will is "the extent of support committed by key decision-makers for a particular policy solution to a specific problem".
- Lastly, political will is not hereditary like gender, nor is it the quality of personal conduct like courage but a deliberate social construct. Thus, if you want to advance public policy or effect change you need to learn to create political will (Funkhouser 2018).
- Considering the definitions of political will provided above, the researcher presents the experiences of the participant in relation to PAIA. From his experience of working with PAIA, the participant identified four areas where government lacked 'political will'. The first is the failure of government to commit adequate financial resources to the work of the

SAHRC. The second is the failure of government to provide internal appeal mechanisms in universities that are easily accessible to the students. The third is the failure of government to enforce the law and, lastly, failure by government to resolve the ambiguity in the wording of the legislation. In the following sections, the researcher discusses the four areas constituting the lack of political will:

6.2.1.1. The lack of resources

According to the participant, the South African government is responsible for providing financial resources to enable the SAHRC to discharge its constitutional mandate as set out in sections 83 and 84 of PAIA. The SAHRC has a threefold mandate, namely, to promote, protect and monitor human rights:

- Promotion of human rights

According to section 83 of PAIA, the SAHRC should promote access to information as a human right. The promotion involves setting up programmes to educate people, including public officials, about PAIA; how to use PAIA to access information to exercise and protect other rights enshrined in the Constitution of the Republic of South Africa; and educating public bodies about their legal obligations to implement and comply with all the provisions of PAIA.

- Protection of human rights

The SAHRC has a duty to give assistance related to PAIA to any member of the public. The form of assistance ranges from issuing basic forms to dealing with public complaints related to accessing information held by public bodies to protect human rights.

- Monitoring of human rights

Sections 83(3a) and 84 of PAIA require that the SAHRC should monitor PAIA implementation and compliance in public bodies. Thereafter, the SAHRC should present its findings to parliament and make recommendations for improving the Act.

Given the above duties, the SAHRC needs adequate financing to employ sufficient numbers of skilled people to work in each of the nine provinces in the country to promote, protect and monitor human rights. However, the experience of the participant

shows that government has failed to provide the SAHRC with adequate financial resources to discharge its PAIA mandate. For instance, the University of Mpumalanga, in seeking to be compliant with the Act, contacted the Commission requesting assistance with training in PAIA, as well as with compiling the section 14 manual. Owing to a lack of capacity at the SAHRC, the participant had had to leave his office in Gauteng and travel to Mpumalanga to assist the University to compile the manual and to provide education and training on PAIA: "I personally went there to train and assist them with the manual."

Another factor confirming lack of capacity at the SAHRC relates to the participant's description of his role in monitoring compliance with PAIA in the public sector: While he/she confirmed that he/she monitored compliance with PAIA in public and private organisations, that monitoring was limited to Section 32 reports submitted annually to the SAHRC which are used to compile a comprehensive PAIA Annual Report for submission to parliament. Unfortunately, the Commission does not concern itself with section 14 of PAIA which involves the publishing of the manual and ensuring that it is updated regularly to facilitate access to reliable information to the public. The inability of the SAHRC to actively, monitor compliance with section 14 of PAIA is unfortunate. Section 14 of PAIA facilitates access to information as a human right.

The challenges facing the SAHRC are not new. Various studies confirm that countries without an independent and well-resourced oversight body struggle with basic implementation of the access legislation (World Bank 2012; Dokeniya 2013). In contrast, independent and well-resourced oversight bodies play a key role in ensuring the effective implementation of, and compliance with access legislation in their countries (Neuman & Calland 2007). As an oversight body, the SAHRC requires financial resources to create awareness of PAIA among the public, and this awareness raising should include the training and development of public officials. Sadly, the participant indicated that government had reduced the PAIA budget, forcing the SAHRC to scale down PAIA programmes including training: "Due to financial constraints, training has suffered, public awareness campaigns have also suffered." The lack of knowledge and understanding of PAIA affects public officials' ability to discharge their PAIA-related duties (Torres & Esquivel 2011). The participant

supported this: “DIOs do not understand PAIA processes. Hence, they do not provide requested information to the public.”

The participant also revealed that in some universities the leadership does not support PAIA because of lack of knowledge and understanding of the Act. When public officials do not understand PAIA, they become an obstacle to the public’s access to information. The numbers provided in the section 32 reports show that PAIA is under-utilised. The participant believed that, it is the responsibility of the public body to request training from the Commission. If a public university does not request training from the Commission, it is assumed that they know and understand PAIA.

This study has proven that government did not commit adequate resources to enable the SAHRC to discharge its PAIA mandate. Essentially, government withdrew its support to make PAIA work, thus hindering the work of the SAHRC. Curtailment of financial resources to the SAHRC hindered public campaigns aimed at educating the masses about PAIA. This in turn affected the ability of the public to use PAIA to exercise or protect their rights. Consequently, the levels of compliance across the public sector are extremely low. The participant was not happy that the people, especially poor people, would not get an opportunity to learn about or use PAIA to exercise or protect their basic human rights. Hence, his remark that, “Lack of awareness of PAIA is a big problem”.

6.2.1.2. Lack of internal appeal mechanisms

PAIA requires government departments to put in place mechanisms to process appeals against decisions taken by the department in question. However, this requirement does not extend to public bodies such as universities even though they fall under the DHET. The only mechanism available for reviewing decisions taken by university leaders in terms of PAIA are the local courts. Unfortunately, court procedures are daunting and very expensive (Roling 2007; SAHA 2016) and are therefore out of reach of the majority university students who are poor. Consequently, aggrieved students seeking to challenge such decisions, often approach civil society organisations to intervene on their behalf. The participant recalled the many cases where the Commission had to intervene on behalf of such students.” Government should allow universities to implement internal appeal mechanisms similar to those used in government departments to deal with students’ grievances related to PAIA.

Internal appeal mechanisms are cost-effective for both students and the university and are easily accessible to the student. Considering the cases that have been brought against universities in relation to PAIA and subsequently settled out of court, it would be wise to have internal measures for appealing universities' decisions related to access to information.

To advance PAIA and effect change in public universities, government needs to build coalitions at national, provincial, local and institutional level. Currently, internal appeal mechanisms do not extend to the level of the institution, that is, higher education institutions. It is therefore the duty of government to create political will in the public sector. Political will is not hereditary like gender, nor is it the quality of personal conduct like courage but a deliberate social construct (Funkhouser 2018), therefore if you want to advance public policy or effect change in the public sector, you need to learn to create political will (Funkhouser 2018). Although resistance to changing the status quo is a given, government through the DHET should build a narrative that promotes transparency, accountability and good governance in public universities (Post et al. 2010). Public universities need to know and understand how PAIA will benefit their core business, which will subsequently encourage to comply with the Act and thus curb wasteful expenditure on unnecessary litigation.

6.2.1.3. Lack of enforcement of legislation

The lack of PAIA enforcement, despite the nearly 20 years since its promulgation, is unfortunate and contributes to the growing attitude of indifference toward the Act among public universities. The Oxford English Dictionary [Online] defines 'political will' as "the firm intention and commitment of a government to carry through a policy, especially one that is not immediately popular". In contrast, the participant believed that public bodies including universities treat PAIA with disdain: "It is not only in the public universities, but the public sector in general where there is no political will to implement and comply with PAIA. These public bodies have not invested enough on access to information as a human right." Some universities do not appoint deputy information officers (DIOs), even though the Act is clear that the IO of a public body must designate a person or persons as DIOs. This designation, which should be in writing and signed by both the IO and DIO, should clearly describe the DIO's responsibilities. "Yet, we still find that some public bodies do not have a designated

DIO.” This indifference toward PAIA is exacerbated by the lack of enforcement of the Act. Unfortunately, the SAHRC has no power to hold public bodies including universities accountable for their actions or lack of action.

It would therefore appear that a lack of political will to adhere to the provisions of PAIA still prevails in public bodies. According to Post et al. (2010:659), political will is “the extent of committed support among key decision-makers for a particular policy solution to a particular problem”. This means leaders across the public sector should commit to supporting PAIA in their respective organisations. However, this study has indicated that some leaders in the universities under study do not support PAIA. Hence, they have not appointed their DIOs and nor have they published their manuals; they do not report to the SAHRC annually with respect to section 32, because they know there will be no consequences.

One of the questions the participant was asked was as follows: “Is the Commission considering approaching the public bodies who do not comply to get their individual explanations as to why they do not comply with PAIA?” His response was: “The Commission has started to approach the municipalities. We have written letters to the information officers of the respective municipalities, but the response is seriously low. We may not get to the point of approaching the universities since the Regulator will be taking over PAIA soon. Oh! We can’t wait to hand over PAIA to the Regulator.” When the researcher asked him why, he said, “We want to see the Regulator holding those who do not comply accountable for their actions or inaction. The Commission has no teeth. Hence, the levels of compliance with PAIA are very low”. Government has given the SAHRC the responsibility for monitoring compliance but has not given it the authority to enforce the law. In this regard, the SAHRC differs from its counterparts in the United Kingdom and Australia where the Information Commissioners have a responsibility and the authority to enforce the FOI legislation in the public sector (Roberts 2002; Banisar 2006). The SAHRC is able merely to advise public bodies on what they need to do to comply with the provisions of the Act. This gives many of the public bodies the leeway not to comply with PAIA if they so wish.

When the researcher asked the participant whether the six public universities under study had approved manuals, his response was that the Commission does not have a central repository to enable him to check the manuals they have approved.

Therefore, the researcher can check the website of each university to see if the manual is published. However, he warned that the manuals are likely to be outdated. During secondary data collection, the researcher checked whether each of the six universities had a PAIA manual and whether the manual was up to date. Remarkably, most universities apart from two had PAIA manuals, although some of those manuals were not up to date, as was predicted by the participant. In the absence of a manual, the public is unable to access a public body's records as envisaged by PAIA. Where manuals are available but not updated annually, as required by section 14 of the Act, the public is likely to access incorrect or outdated information. Moreover, in terms of section 14, this non-compliance is a criminal offence and carries a fine or imprisonment. This study found that many universities do not update their manuals and some have not to date published a manual. Unfortunately, the SAHRC cannot hold them to account for their failure to comply with section 14. Moreover, the newly established Office of the Information Regulator is yet to act on any offenders in terms of the PAIA (ODAC 2018).

In the same vein, many universities in Gauteng province do not comply with section 32 of PAIA, which requires the SAHRC to report annually to the National Assembly on the activities related to PAIA. Therefore, parliament is aware of the state of PAIA in public universities in South Africa. In spite of the intention of section 32 being to promote access to information for the public, the participant believes that "compliance with section 32 is very low across the public sector. For example, for the financial years: 2015/2016; 2016/2017; 2017/2018; 2018/2019 combined reports indicate that in Gauteng province only one university is consistently compliant with Section 32 of PAIA". Section 32 attempts to ascertain two things: firstly, whether the public is able to access information held by public bodies; and secondly, how public bodies respond to requests for information. In light of this, PAIA requires public bodies, including universities, to submit Section 32 reports annually to the SAHRC.

According to the participant, when a public body submits a Section 32 report, the Commission regards it as compliant, whereas public bodies that fail to submit such a reports are regarded as non-compliant. The researcher asked the participant whether the contents of the report matter, because the evidence (see Table A in § 1.3) suggests that some universities that submit the Section 32 reports indicate that they have not

received any requests, thus reporting no requests. The participant responded “no, we work with the information we receive, however, scant”. The researcher probed further “Do you believe that the public universities are honest in their reporting in terms of section 32 of PAIA”? The participant retorted, “No, not at all because some students do come to the Commission to complain that their universities are refusing to give them the information they requested. They accuse the universities of lack of transparency. We have many cases where the Commission had to intervene on behalf of students, but we don’t see that in their reporting”. Hence, non-compliance by public universities continues to hinder the successful enforcement of PAIA. The participant sums this up, saying “these universities have not invested enough in access to information as a right”. The lack of enforceability of PAIA has led to poor levels of compliance across the public sector.

Currently, the enforcement of PAIA rests with the local courts. Unfortunately, court procedures are daunting and expensive (Roling 2007; Peekhaus 2014; SAHA 2016). Since the majority of students are poor, the courts are seldom approached to seek relief, with students relying instead on civil society organisations to intervene on their behalf (SAHA 2016). Civil society organisations like the South African History Archive (SAHA) and the Open Democracy Advice Centre (ODAC) use their own lawyers to represent aggrieved students in the local courts to challenge decisions related to accusations of human rights abuses levelled against the university authorities. A case in point is the nationwide “#Fees must fall” protests at universities. SAHA intervened on behalf of students and the matter was resolved out of court (ATI Network 2016). While we commend the work done by these organisations, the urgent need for an oversight body cannot be overstated (ATI Network 2016). This emerged strongly in the interview with the compliance officer who maintained: “We want to see the Regulator holding those who do not comply with PAIA accountable for their actions or inaction. The SAHRC has no ‘teeth’. Hence, the levels of PAIA compliance are very low across the public sector.”

It may thus be concluded that an oversight body is required to enforce the PAIA provisions in the public sector. Such a body, if established by government, would be accessible to all (ODAC 2018). Accordingly, in 2013, the South African government appointed an Information Regulator to enforce PAIA in both the public and the private

sectors. However, despite taking office in 2016, at the time of this study more than three years later, no one had been fined or imprisoned by the Regulator for failing to comply with PAIA section 14 (Ramotsho 2017; ODAC 2018), despite this being a criminal offence (Roling 2007; Peekhaus 2014). Nonetheless, the participant was hopeful that regulating compliance would improve once the Act was reformed and new controls added: “We need more stringent laws to enforce PAIA.” The participant was also optimistic that the Regulator would hold people to account for their actions: “The Office of the Regulator, through their Enforcement Committee headed by a judge should hold both public and private bodies accountable. Once the Regulator takes over, there will be dual training for stakeholders and officials. PAIA law clinics will be implemented.” Overwhelmed by the challenges posed by PAIA, the participant remarked, “Oh! We can’t wait to hand over PAIA to the Regulator”.

The evidence above indicates that PAIA is not popular across the public sector because it changes the way people are used to doing things, thus challenging the status quo. As we have seen during secondary data collection, some people oppose PAIA and some public universities have not implemented the legislation, despite 19 years having elapsed since it came into force in South Africa. What was evident in the conversation with the participant was the lack of commitment from government to enforce the law. The reviewed literature also confirmed that although government appointed an Information Regulator in 2016, this office is yet to hold people accountable for non-compliance with the provisions of PAIA (Ramotsho 2017; ODAC 2018).

6.2.1.4. Ambiguity in the legislation

The South African government is responsible for passing new legislation. Hence, in the year 2000 government passed the PAIA. The law came into effect a year later in 2001 (McKinley 2003; Roling 2007). Subsequently, government established agencies such as the SAHRC to help with the implementation and monitoring of compliance with PAIA in public bodies (McKinley 2003). Section 84 of PAIA requires that the SAHRC submit a report to the National Assembly annually, indicating all activities related to PAIA. Sadly, the DoJ has failed to implement many of the SAHRC recommendations made to parliament (Mojapelo & Ngoepe 2017: 43). One of the issues mentioned in the reports is the difficult wording in the Act (Roling 2007;

Peekhaus 2014). The participant revealed that the National Assembly is aware of the ambiguities in the legislation and the impact they have on access to information for the public: “The PAIA legislation should be amended. Parliament is informed that this Act should be reformed.”

The participant pointed out that some of the wording in the Act needs reviewing to increase a common understanding and interpretation of the Act: “The definitions in the Act should be made clearer.” The ambiguity in the legislation affects the interpretation of the Act, for instance even after nineteen years of PAIA implementation, public bodies including universities continue to interpret the exemptions in the Act differently (Peekhaus 2014; ATI Network 2016) and even the local courts differ in their interpretation (Roling 2007; Peekhaus 2014). Exemptions in the legislation are often used by public bodies, including universities, to deny requestors access to information (Allan 2009; ATI Network 2016), this despite the fact that the Act says public bodies must release information if it serves the interests of the public. This means public bodies should release information whenever the interests of the public outweigh any perceived injury or danger (McKinley 2003; Roling 2007). The question is what is the public interest? How do you weigh this interest? Government needs to clarify these and other terms used in the Act to improve understanding and interpretation among users (Roling 2007; Peekhaus 2014). ODAC (2006) supports the above statements on ambiguity in legislation resulting from a lack of political will, arguing that PAIA is a failure because of the lack of political leadership and guidance in response to the Act.

6.2.2. Poor implementation of the law

Various studies confirm that countries that do not have an independent and well-resourced oversight body struggle with the basic implementation of access legislation such as PAIA (World Bank 2012; Dokeniya 2013; Lemieux & Trapnell 2016). On the other hand, countries with well-resourced oversight bodies play a key role in ensuring the effective implementation of, and compliance with, access legislation like PAIA (Neuman & Calland 2007). The participant maintained that the South African government hindered the work of the SAHRC in terms of implementation and monitoring compliance with PAIA and was able to do so because it tightened the purse strings. Hence, the SAHRC was unable to execute its mandate effectively in the public sector. This should be seen particularly in light of the fact that the key steps in

preparing for an effective implementation of access legislation like PAIA were not taken. These steps include the training of public officials, raising of public awareness and, establishing good record-keeping practices in public bodies including universities (Lemieux & Trapnell 2016). Taking these steps helps to level the playing field.

6.2.2.1. Training of public officials

After the introduction of access legislation in a country, public officials need training to enable them to discharge their duties in accordance with the new legislation (Torres & Esquivel 2011; Lemieux & Trapnell 2016). This training is an ongoing exercise to empower official to deal with new problems as they evolve over time, thus requiring new solutions (Torres & Esquivel 2011; LaMay et al. 2013; Lemieux & Trapnell 2016). In this study, the participant revealed that some IOs and DIOs have not attended PAIA training, lashing out as follows: “information officers in the public bodies including universities do not attend PAIA training that is available at the SAHRC nor request it for their subordinates.”

The researcher probed further: “So, you believe that most DIOs do not know nor understand PAIA and their responsibilities to it.” The participant responded, “Yes, many DIOs do not understand PAIA processes. Hence, they do not provide the information requested by members of the public”. Kate Allan (2009) also notes that “DIOs are not adequately trained in PAIA, as a result, they are unable to help the public access information that they require from the public body”. This means public officials do not understand their responsibilities toward PAIA. This lack of knowledge and understanding of the Act makes it difficult for these leaders to support PAIA programmes in their institutions (Allan 2009; LaMay et al. 2013). The participant argued that the leadership in public bodies, including universities, has not invested enough in access to information as a right. The participant lamented the scaling down of PAIA training at the SAHRC: “Due to financial constraints, training has suffered.” Although he acknowledged the constraints posed by the limited budget, he still maintained that the decision to limit training was premature.

6.2.2.2. Public awareness

The introduction of PAIA in South Africa sought to restore human dignity by addressing the socioeconomic and political imbalances inherent in our country, through access to

information. PAIA as an enabling legislation has the potential to help individuals realise other rights enshrined in the Constitution (McKinley 2003). Therefore, South Africans need to know and understand how to use PAIA to exercise or protect their rights, as a lack of knowledge and understanding hinders the optimal application of the Act by the public to realise other rights such as access to healthcare, housing and clean water (ODAC 2006). Sadly, the participant confirmed that the democratic government in South Africa is failing to provide the funds required in this regard, and this has had an adverse effect on the work of the SAHRC in relation to PAIA: “Due to financial constraints training has suffered, public awareness campaigns have also suffered. I believe more could be done to raise awareness of PAIA.”

The failure of government to provide adequate finances to increase training on PAIA among the public is lamentable. Hence, Ben Worthy (2017) believes that when governments pass laws that threaten their power, they simply withdraw their support making it difficult for the public body to do their work. Given the horrific history of abuse of human rights in South Africa, it is disturbing to see the current democratic government falling into the same trap by denying its population the right to access information to realise other rights enshrined in the Constitution. Thus, the participant bemoaned the diminished training, “I believe more could be done to raise awareness of PAIA. Public awareness of PAIA is a big problem”.

6.2.2.3. Records management

Sound records management is a precondition for implementing and complying with any access legislation like PAIA (Lemieux & Trapnell 2016; De Mingo & Martinez 2018). Conversely, institutions whose records are in disarray are unable either to implement the provisions or to comply with access legislation (Yuba 2013). PAIA focuses on access to records and therefore access to information is dependent on whether or not records are available and easily accessible (McKinley 2003; Allan 2009). Shepherd (2015) and Basnan et al. (2016) posit that universities with sound records management practices are in a better position to comply with any access legislation including PAIA. The current study found that many universities do not comply with PAIA, and scholars have heavily criticised NARSSA for failing to regulate records management practices in the public sector (Marutha 2011; Yuba 2013; Mojapelo & Ngoepe 2017). Some public bodies, including universities, do not have

records management policies and procedures to guide their recordkeeping practices. Where such a policy exists, the public body often does not have a file plan. While some public bodies have both policies and file plans on paper, no actual implementation has taken place (Makhura & Ngoepe 2006:97). Consequently, such universities could not publish their manuals nineteen years after PAIA came into effect in 2001. The participant explained that some of the DIOs complained to the Commission that they were unable to compile the manual due to lack of cooperation from departments within the same university, while others complained about the lack of support for PAIA from the IOs in their respective institutions. Consequently, it is difficult for DIOs to list categories of records as required by section 14 of PAIA without the expressed cooperation and support of departments/units generating these records in a public body or university. Unless these bodies publish manuals and updates as required, it will be difficult for the public to access accurate information.

Ironically, the participant mentioned the SAHRC is not concerned with section 14 manuals but is interested in access to information. Hence, their focus is on section 32 of PAIA. When making requests for information people need to know what records or services are available (De Mingo & Martinez 2018), as they cannot ask for what they are not aware of. The lack of application of PAIA is apparent in the Section 32 reports submitted by public universities, as illustrated in Table A (see § 1.). Therefore, the importance of complying with section 14 cannot be understated and the publication of a section 14 manual implies that the public is able to access information held by the public body. Moreover, unlike section 32 which is silent on non-compliance, non-compliance with section 14 carries a penalty or imprisonment. .

The preceding literature shows that developed countries in the world such as the UK, the USA and Australia, to mention a few, undertook to do groundwork in preparation for the implementation of FOI legislation, thus ensuring that record-keeping practices in public bodies were in line with the legislation governing records management. For instance, in the UK the government worked hand in hand with the National Archives and non-profit organisations (NPOs) to ensure that public records are managed effectively and efficiently. The National Archives set the standards for recordkeeping in the public sector, while the NPOs developed guidelines and monitored compliance. When the NPOs were satisfied with the records management of a public body, they

allowed it to implement FOI. Consequently, because their records were in order, public bodies in the UK were able to publish their information manuals with ease. Afterwards, the Information Commissioner could focus on measuring whether the public was able to access information or not, as well as to request and receive reasons (within the law) as to whether the public body could withhold information from requestors.

The SAHRC made a big mistake by overlooking section 14 of PAIA which provides the basis for complying with section 32. Section 32 of PAIA assesses how public bodies including universities handle requests for information. People cannot request information or records they know nothing about; therefore these public bodies should first inform the public through section 14 about the types of records they hold and whether these records are available online on their websites without the requestor first having to complete a request form. They should also inform the public about the services they offer at no cost. Thus, the section 14 manual is an essential tool for accessing information. In addition, these bodies should have effective records management systems that provide timely, accurate records to the public. An electronic document and records management system (EDRMS) is thus essential to provide timely responses to requestors as required by PAIA. An EDRMS can also assist the public body in compiling the section 32 annual reports for submission to the SAHRC. Unfortunately, this study found that many universities do not comply with section 32 of PAIA. Further, the participant warned the researcher that some of the universities that publish the manuals do not keep them up to date. It is, therefore, not surprising to hear the participant predicting the findings of the study even before the researcher could conduct the document reviews: "You will find that most manuals are not up to date." This statement was confirmed when the researcher reviewed the contents of the manuals published on the websites of the six universities, subsequently finding that some universities still reflect the details of IOs who have retired or resigned from their institutions. This information is misleading and affects the ability to obtain reliable information from the public body. Accordingly, the Commission has received complaints from students that when requesting information, their requests are either ignored or inaccurate information is provided.

6.2.3. Culture of secrecy

Another factor affecting compliance with PAIA in the six universities under study is the endemic culture of secrecy prevailing in these institutions (Kigotho 2013; O'Byrne 2015). Rather than being an Act, PAIA is fundamentally a change process which requires the management of social conditions (McKinley 2013). Accordingly, the management of PAIA involves both an analysis of compliance behaviour in organisations and a nuanced examination of the demand for access to information by the public (McKinley 2013). In South Africa, demand is a complex matter since it involves issues of affordability, public awareness of the Bill of Rights, levels of information literacy among the majority of the population, the coherence of national policy (PAIA), and the perceived chance of success. Access to information may appear to be a global notion, but the reality is that freedom is a consequence of local values and thus the values held by the universities determine their willingness to change (Darch & Underwood 2005:78).

People who want to effect change need to learn how to rally other decision-makers around a common goal and create the will to change. Changing the culture in organisations is not easy (Post et al.2010), the status quo in many organisations is maintained by powerful oppositional interests which creates conflict (Tierney & Lanford 2018). To manage the conflict a leader needs to embrace the values held in esteem by the majority people and even use narratives that appeal to their beliefs (Post et al. 2014; Akerlof 2016). Above all, the leader should be able to influence the thinking and actions of other decision-makers to do the things that will produce the desired outcomes (Post et al. 2014). This study discovered that the culture of secrecy is endemic in public bodies including universities (Kigotho 2013; Idoniboye-Obu 2014). Moreover, some decision-makers in universities are unwilling to change the way they do business (Kigotho 2013; O'Byrne 2015).

Nevertheless, there are two effective elements of organisational compliance, namely, the availability of capacity to comply and the willingness to comply (Darch & Underwood 2005). These elements form part of the discussion below under the headings, 'Lack of transparency' and 'Institutional culture and records management'. The discussion of the findings of this study revealed that most universities do not have the capacity to comply because their leadership does not take PAIA seriously. If the

leadership of these universities does not take PAIA seriously, then it will be unwilling to comply with the letter and spirit of the Act.

6.2.3.1. Lack of transparency

The lack of transparency displayed by the apartheid government led to the abuse of power and violation of human rights (Mzangwa 2019). The passing of PAIA legislation in the year 2000 was aimed at eradicating the culture of secrecy in the public and private sector to promote a culture of transparency. However, this study found that a culture of secrecy is still firmly entrenched in public bodies including universities (Relly 2011; Idoniboye-Obu 2014). This should be avoided since secrecy breeds corruption (Relly 2011; Corruption Watch 2014). When the researcher asked the participant whether, he thought our public universities are committed to transparency, his response was “I don’t think so based on complaints we receive from some of their students. Students approached the Commission to complain about the lack of transformation in their universities. That their universities are not transparent”. Students have complained that when they request information from their respective universities, they obtain either inaccurate information or no response at all.

Some scholars share similar views to those held by the participant, maintaining that universities are not transparent (O’Byrne 2016; O’Malley 2016). These scholars believe that there is a lack of transparency in universities and other public bodies across the globe and that this culture is entrenched in these institutions (O’Byrne 2016; O’Malley 2016; SAHA 2016). For instance, during the #Fees Must Fall protests, SAHA intervened on behalf of students and challenged the decisions taken by the management of these universities to bar students from entering campuses as well as refusing students access to information. SAHA threatened to take legal action but subsequently reached an out-of-court agreement with the universities, forcing the universities to provide the information requested. Unfortunately, out-of-court settlements do not set precedents for future reference (SAHA 2016).

At about the same time, government declared free education for all poor students (SABC 2018). This study found that when reporting in terms of section 32, the universities under study do not mention requests for information, eliciting a lambasting from the participant: “No, no, no, these universities are not honest in their reporting in terms of section 32 of PAIA.” Although the SAHRC is aware of some dishonesty in the

reporting by these universities, it is unable to hold them to account for their actions. It is unfortunate that government gave the SAHRC the responsibility to monitor compliance but failed to give them the authority to hold accountable those who do not comply with the law.

Some universities use exemptions to refuse information requested by students or other stakeholders (SAHA 2016). The broad manner in which these exemptions have been interpreted has hindered access to information. For instance, PAIA stipulates that public bodies must release information that is exempt from disclosure if the public interest outweighs the harm perceived to be caused by releasing the information. Scholars argue over the definition of 'public interest' and worse still, they do not know how to weigh public interest (Milo & Stein 2014). Hence, the participant assured the researcher that this matter is receiving the attention of the relevant government department. Soon, any ambiguities in the language of the legislation will be no more.

Universities do not have internal appeal processes to enable students to challenge wrong decisions taken by management related to PAIA requests. This omission serves to perpetuate secrecy in universities. The lack of internal appeal procedures means that aggrieved students may have to challenge university decisions related to PAIA in the local courts. However, court proceedings are daunting and expensive and students cannot afford the costs involved (SAHA 2016). Hence, many students have approached human rights organisations, including the SAHRC, to intervene on their behalf in line with the right of access to information as provided for in the South African Constitution. Consequently, the participant bemoaned the fact that "these universities have not invested enough in access to information as a right".

Section 14 of PAIA requires that public bodies including universities should compile a manual and publish it in three of the official South African languages. This manual should reflect the structure and functions of the public body as well as the contact details of the IU and DIO. The purpose of the manual is to encourage transparency in public bodies and facilitate access to information for the public. The manual should include the list of records that are readily available to the public as stipulated in section 15 of PAIA, and it should be updated annually to facilitate public access to reliable information. This study found that to date some universities have not published their manuals (see § 5.3 and appendix 6). In addition, some of the universities that have

published their manuals do not update them; even though failure to publish a manual carries a criminal sanction, to date no one has been punished (Ramotsho 2017; ODAC 2018). Despite PAIA having been promulgated almost twenty years ago, non-complying universities are continuing with business as usual with no accountability (Corruption Watch 2017).

The experience of the participant revealed that many universities are not transparent – “Students complain to the Commission that their universities are not transformed. That their universities are not transparent” – and that universities often ignore their requests for information or, worse still, provide inaccurate information. The participant also attested to this claim “these universities are not honest in their reporting in terms of section 32 of PAIA”, basing his argument on the information received to prepare a report to the National Assembly (see Table A in § 1.3). When records of a public body are not maintained, it is difficult to provide information requested (De Mingo & Martinez 2018). Thus, some universities do not comply with sections 14, 15 and 32 of PAIA. Efficient recordkeeping systems help facilitate access to information and increase transparency (De Mingo & Martinez 2018). Transparency should form part of the life cycle of a record to guarantee effective access from creation or receipt to disposal. Transparency throughout the life cycle will ensure data integrity and traceability to the source (De Mingo & Martinez 2018). Thus, transparency eradicates the secrecy that gives rise to corrupt practices (Billow 2016).

Further, the participant stated: “Some public bodies do not appoint DIOs.” The role of the DIO is to make the information in the public body accessible to the public and thus failure to appoint DIOs at some universities hinders access to information by the public. Hence, Jones (2017) referred to a speech made by the renowned economist, Stiglitz, to an audience at Wits University who said, “When governments or corporations are engaged in bad practices they don’t want the people to know, because if people knew they wouldn’t be able to do it”. The failure by some universities to implement and comply with the provisions of PAIA, attest to Stiglitz’s claim.

6.2.3.2. Institutional culture and records management

The culture of an organisation tells a story about the management of the public body, including the norms and values they uphold and the attitude employees, display toward their work and toward each other (Svard 2011). This study revealed that in

some universities the leadership does not support PAIA, as the participant confirmed that some IOs do not attend PAIA training and, thus, appear not to take access to information seriously in their respective organisations. Further, the participant related an incident where a DIO complained to the SAHRC that IO did not support his work related to PAIA. In another instance, a certain DIO complained to the SAHRC that he was not receiving the cooperation he needed from other departments/units within his university. These units generated large numbers of the records needed to compile the section 14 manual and section 15 Notice, leading to these universities failing to provide the section 14 manual and section 15 Notice as required by law. The culture of secrecy perpetuated by some of these universities needs to change (Relly 2011).

When you understand the culture of an organisation, you are able to tell whether they view records as an asset or not from the way in which they manage and use their records (Shepherd & Yeo 2003). Thus, the information culture and the organisational culture are inextricably linked. Shepherd (2015) believes that universities with good records management practices stand a better chance of complying with access legislation like PAIA. While, Basnan et al. (2016) concur with the views espoused by Shepherd and Yeo (2003), maintaining that the way public bodies including universities manage the records that they create or receive determines their ability or inability to comply with regulatory requirements. In the same vein, Yuba (2013) believes that universities whose records are in disarray are unable to comply with access legislation like PAIA. Sections 14 and 15 of PAIA require that public bodies should publish records in their custody. When the researcher checked for the presence of the section 14 manual and section 15 Notice on university websites, it was evident which universities regarded records as assets and which did not (Shepherd & Yeo 2003). The universities that manage their records properly had published their section 14 manuals on their respective websites (Yuba 2013; Basnan et al. 2016), while those that do not have efficient record keeping systems were unable to publish their manuals (see appendix 6).

The participant reiterated that one of the most important criteria for approving a manual is the availability of a Section 15 Notice. Section 15 is a list of the records of a public body that are readily available to the public and thus promotes access to information

by the public. If a public body such as a university compiles a manual but does not include the section 15 Notice, the SAHRC will not approve the manual.

Despite the many challenges, the study revealed that most universities in Gauteng have implemented PAIA to some degree. These are Universities A, B, D and F, fall into two of the three types mentioned earlier. Through secondary data collection, the researcher discovered that universities A, B and F have published their Section 15 Notice as required by law (see appendix 6). The evidence also showed the availability of contact details of the IOs and DIOs for universities A, B, D and F (see appendix 6). What is concerning is the failure of universities B, C, D, E and F to report in terms of section 32 of PAIA (see § 5.3 and appendix 6). The question that thus arises is whether stakeholders know how to use PAIA to exercise or protect their rights. If not, who is responsible for educating university stakeholders about PAIA?

The most glaring disappointment is the consistent failure to comply with PAIA demonstrated by universities C and E (see appendix 6). This means that two of the six universities are consistently non-compliant with all the provisions of PAIA. Secondary data revealed that the two universities, who both fall under the third type of university, have not published their manuals since PAIA came into effect in 2001, thus it is clear that they do not comply with sections 14, 15, 17 and 32 of PAIA. The lack of information about the records in the custody of these universities hinders the ability of the public to access information to exercise and/or protect their rights (Pickover & Harris 2001). Instead, the two universities display an attitude of indifference toward PAIA. Interestingly, these universities have recently been placed under administration by the Minister of Higher Education Dr Blade Nzimande, as a result of allegations of maladministration, fraud and corruption (Makate 2013; Phakathi 2017). This confirms the contention that secrecy breeds corruption. Remarkably, only one university in Gauteng province is consistently compliant with the provisions of PAIA. This university falls under one of the other two types mentioned earlier (see appendix 6). The researcher believes that an ongoing analysis of PAIA compliance in universities is essential to manage the change process.

6.3. SUMMARY OF CHAPTER SIX

Chapter six discussed the findings of the study. Three superordinate themes emerging from the analysis and constitute the findings of this study. These are the lack of political will, the poor implementation of PAIA and the culture of secrecy in universities. The study found that the lack of political will in government is a major factor affecting compliance/non-compliance with PAIA by the six public universities under study. Although government has passed legislation that has become the envy of other nations worldwide, it has failed to commit the necessary resources to making much of this legislation, and PAIA in particular, work. In addition, government has failed to give the SAHRC the authority to hold offenders accountable for their actions, which has reduced the legislation to a mere pledge. Thus, we find that, to date, there are universities that have not implemented PAIA. Government has clearly reneged on its promise to make PAIA work. Moreover, researchers argue that the courts need to clarify the extent to which the recommendations made by the SAHRC can be binding.

The second major factor affecting compliance is poor implementation of PAIA in public universities. Government mandated the SAHRC to implement and monitor compliance with PAIA in both the private and public sector including universities but the study could find no proof of any work done by the SAHRC to ascertain the state of readiness for these universities to implement PAIA. Scholars agree that records management is poor across the public sector, yet the SAHRC failed to enlist the help of the NARSSA to establish good record keeping practices in the public sector particularly the public universities. NARSSA does not conduct audits of records management practices in public universities. Therefore, the SAHRC should enlist the services of the AGSA to audit and report on records management in public universities.

According to the participant, government failed to provide the SAHRC with adequate financial resources to enable it to execute its PAIA mandate. It was clear in the interview that the participant was drowning under the weight of work he has to do in PAIA. Although he seemed passionate about his work in this regard, the challenges were unbearable resulting in feelings of helplessness. Hence, he was anxious to hand PAIA over to the Regulator.

The third theme is the culture of secrecy in universities. The study found that secrecy is endemic in public universities in South Africa. The participant confirmed that

universities were not coming forward to request the services of the Commission to implement and comply with PAIA. The participant blamed university leaders for failing to request PAIA training for themselves and their subordinates. Again, some universities do not want to embrace change, preferring the status quo.

It is not clear whether the SAHRC followed a specific model of compliance obtainable in other parts of the world to implement and monitor compliance with PAIA in the public sector, particularly the universities. The haphazard way in which PAIA was implemented made it difficult for the Commission to know which universities were struggling with the implementation and why. The other problem is that the Commission was not proactive but reactive, always assuming all was well. Even when it realised that the majority of universities were not complying with section 32 of PAIA, it did not check the root cause and correct it to make access to information possible. This might have been because it did not have adequate resources or the power to hold individuals accountable for their actions.

The researcher believes the prevailing situation can be changed for the better if the SAHRC or Regulator were to adopt a new model for compliance with PAIA in public universities. The new model would see the SAHRC or Regulator working together with the National Archivist to set standards for records management practices in higher education institutions that are in line with the NARSSA Act of 1996. It is advisable that the SAHRC work with the AGSA in auditing and reporting on records management issues in public universities. Proper records management practices in public universities will ensure that the information the DHET receives is authentic, credible, traceable to the source and reliable.

Proper records management will help to improve transparency and accountability and strengthen financial controls in public universities of South Africa. The researcher maintains that the adoption of the Commonwealth model, with adjustments that incorporate the key role players discussed above, is necessary to guide the effective implementation and compliance with PAIA in public universities. This model will be best suited for use in public universities in South Africa. The next chapter, chapter seven will discuss the model in detail and concludes the study.

CHAPTER SEVEN

RECOMMENDATIONS AND CONCLUSION

7.1. INTRODUCTION TO THE CHAPTER

Models of compliance with access legislation abound. They include the Mexican model, the Swedish model, the United States of America model, the model for Commonwealth countries, the United Kingdom model, the Jamaican model, the Canadian model and the Australian model, to mention just a few. Countries adopt such models to ensure the effective implementation of, and compliance with, access legislation. Because a model for compliance with regulations is not a comprehensive representation of the phenomenon, it requires some adjustments to suit the prevailing conditions of a specific country. South Africa, like other countries, has a unique context that requires a model that takes into account its socioeconomic and political landscape. In the light of the findings of this study, the researcher recommends that the SAHRC or the Office of the Regulator should adopt the model for Commonwealth countries with adjustments to suit the unique context of our country, South Africa. The model for Commonwealth countries is general and requires individual countries to adjust it according to their needs. Commonwealth countries include both developed and developing countries such as the United Kingdom, Jamaica, Canada, India and Australia, to mention just a few. These countries have adopted the Commonwealth model and adapted it to their situations. South Africa is a member of the Commonwealth and it is therefore appropriate to use this model and adjust it to our local conditions.

7.2. RECOMMENDATIONS

In view of the findings for this study, the researcher recommends the adoption of the model for Commonwealth countries for use in South Africa. The model identifies four critical areas to ensure the effective implementation of and compliance with access legislation:

- Developing a legislative regime that is supportive
- Instilling a culture of transparency.
- Putting in place efficient and effective administrative systems
- Ensuring effective monitoring of the implementation.

7.2.1. Develop a supportive legislative regime

The model requires that governments should override legislation that has the potential to conflict with the new access legislation. Generally speaking, secret acts undermine openness. This study found that in South Africa, old legislation such as the Protection of Information Act 84 of 1982 continue to undermine openness to this day. Although parliament adopted the Protection of State Information Bill in 2013, the President, Cyril Ramaphosa, has not yet assented to the Bill given his reservations of its constitutionality. The purpose of the Secrecy Bill is to repeal and replace the Protection of Information Act 84 of 1982. The Bill also serves to reconcile information security issues with the constitutional principles of transparency, accountable governance and rights for individuals. Although some government secrecy is permissible, it is crucial to amend some of the provisions of the Secrecy Bill to ensure the primacy of PAIA. All other laws and bureaucratic rules should be in harmony with PAIA to prevent confusion and unfair refusal of access to records.

In South Africa, government should enact subordinate legislation that aligns with PAIA. For instance, laws around fee payment in order to access the records of a public body should not hinder people from accessing information but serve to promote openness. Further, government should ensure the protection of whistle blowers who raise concerns about the corruption plaguing public bodies. Sadly, the current version of the Secrecy Bill fails to protect whistle blowers and journalists who expose corruption and other wrongdoing in public bodies in the interests of the public. This recommendation will address the issue of lack of political will to deal with conflicting legislation and ambiguity in the Act.

7.2.2. Instilling a culture of transparency

The entrenched culture of secrecy in the public sector, including public universities, slows down any efforts toward achieving transparent, accountable governance. If PAIA is to succeed in South Africa, the SAHRC or Regulator should find ways to encourage public officials including university officials and bureaucrats to embrace the spirit of transparency and accountability promoted by PAIA. The model identifies the following issues to encourage buy-in from public officials and bureaucrats:

7.2.2.1. Maintain strong political will

Government has a legal obligation to provide the necessary support to make PAIA work. Thus, the political leadership in the National Assembly should listen to the recommendations of the SAHRC and the AGSA and act on their recommendations in support of PAIA. Unfortunately, the lack of political will has the potential to undermine the law, sending conflicting messages to the people who administer the Act. This study has revealed that the South African government lacks the political will to make PAIA work. The SAHRC could not execute its PAIA mandate fully, due to the lack of financial support from government. As a result, PAIA compliance is extremely low across the public sector. Government has failed to enforce PAIA, save for the local courts whose access is limited to people who can afford the costs of litigation, thus providing fertile ground for corruption to take root. To date, the government has not implemented most the recommendations made by the SAHRC to parliament.

Establish a comprehensive action plan

The SAHRC or Regulator should develop a detailed plan of action. The plan should include key implementation tasks, responsibility for acting on them and strict timelines for completion. This will ensure that the implementation is consistent across the public sector. The lack of such a plan in South Africa led to the current dismal state of PAIA in public universities. The model suggests that the oversight body should develop a plan in collaboration with other key stakeholders to achieve ownership. This study recommends that the SAHRC or Regulator should work in collaboration with the NARSSA, the AGSA and the DHET as key stakeholders in South African higher education. Records are at the core of the right to access information. In fact, the core business of any university depends on records – records created and received in the course of business. Thus, public bodies including universities need an effective and efficient system to manage their records from creation to disposal. Where there is failure to maintain public records, it will be difficult for the institution concerned to implement and comply with PAIA. This study has shown how difficult it is for some public universities to publish the section 14 PAIA manual since it depends on proper record-keeping practices. In the same breath, public universities that have published the manuals find it difficult to keep its contents up to date. On the other hand, some public universities could not publish the Section 15 Notice since this also depends on good record-keeping practices in the public body.

NARSSA has a legal responsibility to establish proper records management in the public sector including public universities. Thus, NARSSA should provide a planned approach to managing records in South African higher education in order to comply with PAIA. The SAHRC or Regulator should issue deadlines for each step in the PAIA implementation process. The monitoring of deadlines for the publication of section 14 manuals, including the Section 15 Notice, is the responsibility of NARSSA in collaboration with the SAHRC/Regulator. The regular monitoring of each step in the implementation process seeks to ensure that any oversight receives the necessary attention. NARSSA should issue a code of practice for managing records similar to that in the United Kingdom.

To avoid chaos and unnecessary delays in implementation, the SAHRC/Regulator should adopt a phased implementation approach with clear timelines for each step in the process. For instance, Jamaica promulgated its access legislation in 2002. In the same year, 2002, it established the Access to Information Unit, equivalent to the SAHRC. The Access to Information Unit carried out assessments to determine the readiness of public bodies to implement access legislation, focusing on records management and the ability to retrieve information easily. The Access to Information Unit adopted a phased approach to implementation with clear deadlines. In 2003, the Unit focused on government ministries, which had to implement the law within 12 months. This was followed by other departments and cascaded down to institutional level. The same year, 2003, the Unit intensified the training of public officials with clear deadlines. In 2004, the Unit moved its focus to government departments, agencies and institutions. By the end of 2005, Jamaica was able to enjoy the measurable success of its programme. The Jamaican example illustrates how the general model for Commonwealth countries can be adapted to suit local conditions that are unique to each country. It is clear from the Jamaican example that the SAHRC failed to assess the readiness of public universities to implement PAIA. At the same time, it overlooked the importance of proper records management to facilitate access to information. In addition, deadlines for the completion of section 14 manuals and the Section 15 Notice were not set. Hence, the levels of implementation and compliance with PAIA are extremely low in public universities.

The SAHRC/Regulator needs to enlist the help of another key stakeholder, the AGSA to improve records management in public universities. In South Africa, the role of the Auditor General is to strengthen the country's democracy by fostering a culture of accountability and good governance in the public sector through auditing. Various scholars believe that the many efforts to strengthen financial controls in public universities in South Africa have failed because people overlooked the fundamental structure – records management – which is critical to underpin them. Proper records management ensures the availability of reliable, authentic and credible information. The involvement of the AGSA in auditing records management in public universities will ensure the credibility of the information in their custody. The Auditor General reports annually to the National Assembly to enable the relevant ministry/department, in this case the DHET, to take the necessary actions against implicated public universities. However, further investigation by the SAHRC/Regulator is required to achieve compliance and failure to comply may force the Regulator to issue a penalty or hand the matter over to the courts.

The model also recommends that access legislation like PAIA should be included in the curricula of education institutions. In Jamaica, access legislation forms part of the curricula of both basic and higher education. The DHET should include PAIA in the curricula of higher education institutions to educate students about the importance of access to information to exercise and protect their rights. If the democratic government in South Africa is serious about restoring the dignity of the majority of the population and promoting human rights, the inclusion of PAIA in curricula is imperative to increase awareness and application of the Act in universities. To improve the level of compliance, the DHET should use various incentives to reward universities that comply with PAIA. For instance, in South Africa, businesses can only access government tenders if they comply with B-BBEE standards. The higher the level of compliance the greater the chance of receiving the tender. Therefore, the DHET may adopt certain criteria from PAIA to use in determining eligibility for special funding in public universities.

Below is a graphical representation of the collaboration between SAHRC/Regulator and key stakeholders (NARSSA, AGSA and DHET) in ensuring the effective implementation of and compliance with PAIA.



Figure 1: Collaboration with key stakeholders

7.2.2.2. Information champions

Public bodies should identify and support information champions, which are crucial in overseeing the process of change in public bodies. They are responsible for evaluating the performance of a public body and improving knowledge and understanding of access legislation. In essence, champions promote transparency in public bodies, generally using a plan of action to achieve consistency and ensure the monitoring of individual public bodies to determine compliance. Champions include the following entities:

Information officers

According to PAIA, the head of the public body is the information officer (IO) of that public entity. IOs are central to the promotion of PAIA in public bodies including universities. Accordingly, the SAHRC/Regulator should provide technical training to

develop the knowledge and skills IOs to enable them to promote the law within the public body and interpret its provisions correctly. The SAHRC/Regulator should set deadlines for the conclusion of basic training for IOs in universities. Following this, the SAHRC/Regulator will provide further training on an ongoing basis to address the evolving legislation. Public bodies including universities should recognise and pay IOs for performing the additional work on PAIA and public bodies should provide more time and resources to enable them to discharge their duties. The low levels of implementation and compliance with PAIA in public universities may be a result of the failure to provide IOs with sufficient time, resources and rewards for doing the additional work imposed by PAIA.

The nodal agency

Governments usually designate a specific ministry to manage the implementation activities of access legislation. Other countries choose to use the Commissioner to perform the task of the nodal agency, which has to have sufficient resources to discharge its functions. Human capacity at the nodal agency includes professionals who bring specialist knowledge and skills to the work of the Commissioner or nodal agent. To augment the existing budgets of public bodies, additional funding for PAIA work in the nodal agent is necessary to achieve the objectives of the Act. Examples of nodal agencies include the Ministry of Information in Uganda and the Ministry of Personnel, Public Grievances and Pensions in India. In the UK, this role is performed by the Department of Constitutional Affairs, while In South Africa, it would appear that the SAHRC performs the work of the nodal agent.

The implementation unit

The role of the implementation unit is to monitor the implementation of access legislation. In addition, the unit develops literature for education campaigns to raise public awareness of the Act, as well as providing guidelines and training for public officials and end users. The unit monitors compliance with the Act and reports to parliament, identifies challenges, and makes recommendations for reform. Further, the unit acts as a repository for information manuals submitted by different public bodies. The role played by the SAHRC is that of an implementation unit. However, during the interview with the participant he/she indicated that the SAHRC does not have a repository for section 14 manuals, owing to financial constraints.

The Information Commissioner

The role of the Information Commissioner is to deal with complaints and appeals related to access legislation. The Information Commissioner also assesses the different stages in the implementation process and make recommendations for improvement. Government needs to provide adequate resources to enable the Information Commissioner to discharge his/her duties. South Africa did not have an Information Commissioner or equivalent until 2016, when government appointed the Information Regulator.

7.2.2.3. Empower through training and development

Training of public officials and the media begins prior to the enactment of the law and continues thereafter. The training of officials is crucial to empower them with knowledge and understanding of access legislation and new precedents from the courts must be included in their training. Public officials need to have a common understanding and interpretation of the provisions of access legislation to improve access to information for the public, as lack of knowledge and understanding creates barriers to access information. Training of officials should aim at changing the culture of the public body from secrecy to openness; lawyers and people handling appeals should receive training in the specific nuances of the law, and frontline staff should receive basic training on access legislation. The Department of Basic Education and DHET should include access legislation in the curricula of schools, colleges and universities, and human resource departments in public bodies, including universities, should include PAIA training during the induction of new employees.

7.2.2.4. Harness government–public partnerships

When implementing access legislation, an implementation unit such as the SAHRC, should take into consideration the needs of the local community. Different countries adopt different ways of engaging stakeholders from the local community to promote access legislation. Nodal agencies or implementation units should meet regularly with community representatives to receive their inputs and act on them. In Jamaica, community representatives met with the unit and nodal agency and offered to monitor compliance with access legislation. These representatives formed an Access to Information Advisory Committee and provided the implementation unit with valuable assistance, including recommendations for best practice. In India, an NGO, the

Commonwealth Human Rights Initiative (CHRI), worked with the nodal agency to develop materials for training, conducted training and provided support related to the implementation of access legislation. In South Africa, the Open Democracy Advice Centre (ODAC) provided poor community members with training and support in PAIA. The South African History Archives (SAHA) also helped members of the public, including students, to access information to exercise or protect their rights. The SAHRC needs to strengthen its relationship with community stakeholders.

7.2.3. Implement effective systems

To ensure consistency in the implementation of access legislation in the public body, effective systems and processes must be in place. These systems include the following:

7.2.3.1. Improve records management

The National Records Service of South Africa (NARSSA) is responsible for establishing proper record-keeping practices in the public sector including public universities. Such practices facilitate access to information; where records are in disarray it is impossible to implement and comply with access legislation. Hence, most countries assess the state of records management in public bodies before implementing the new access legislation. An effective and efficient system for managing the records cycle from creation to disposal is therefore essential. The hardware and software used for records management should preserve the integrity of data. Ultimately, the success of access legislation depends on the quality of records to which it provides access. Hence, it is crucial for the SAHRC or the Regulator to work with NARSSA to instil a culture of proper records management in public universities. In order to do so, the SAHRC or the Regulator should enlist the help of AGSA to audit records management in public universities in South Africa, as this cannot be done by NARSSA. Proper records management will help reduce or completely eradicate maladministration, corruption and fraud in public universities in South Africa.

7.2.3.2. Develop educational resources

Training booklets and guidelines on the specific access legislation assist in providing easy reference for officials and other stakeholders. Accordingly, the implementation

unit should develop booklets and guides to help increase the knowledge and understanding of PAIA among public officials.

7.2.3.3. Design and develop electronic systems to promote PAIA

Public bodies should develop websites and use them to host the soft copy of the Act (PAIA). Websites should host the electronic version of the section 14 manual and other educational materials to promote access legislation such as PAIA.

7.2.3.4. Information delivery

To create public awareness of access legislation, the implementation unit should use mass media like television, radio and newspapers. Depending on the local conditions, countries use various strategies including community meetings, postal services, mobile units and caravans, e-governance and posters on walls to disseminate information on access legislation.

7.2.4. Regular monitoring of implementation

7.2.4.1. Annual reporting

The Information Commissioner or nodal agency is responsible for preparing the annual report for presentation to parliament. In South Africa, the PAIA compliance officer is responsible for compiling the report and presenting it to parliament. The report should highlight good and bad practices related to access legislation and make suggestions for reforms. Mass media, including television, radio and newspapers, are useful for publishing the annual report presented to parliament. Further investigations to establish whether any improvements have made by public bodies are the responsibility of the Ombudsperson, Information Commissioner or Information Regulator and failure on the part of the public body to improve compliance may attract severe penalties.

The AGSA also reports annually to parliament regarding compliance with government regulations. Thus, the collaboration between AGSA and the SAHRC ensures that the state of records management in public universities receives the attention of parliament and the DHET.

7.2.4.2. Recommendations for reforms

Access legislation in countries such as South Africa, the United Kingdom and India permit the Commissioner or Regulator to make recommendations for improvements to individual public bodies. Such recommendations seek to address implementation problems in public bodies. The Commissioner/Regulator can collaborate with key stakeholders to help the public body improve compliance and strengthen the access regime. Hence, this study suggests that the SAHRC or Regulator should collaborate with NARSSA, AGSA and DHET to strengthen PAIA in public universities in South Africa.

7.2.4.3. Regular review of the law

When the Commissioner or Regulator makes recommendations to parliament, it is crucial that government listens and acts on these recommendations. Keeping political will strong means that government should review legislation regularly to keep it relevant. In Jamaica, a parliamentary committee reviews access legislation every two years.

7.3. CONCLUSION

This study explored the factors affecting compliance and non-compliance with PAIA in public universities in Gauteng province, with the researcher arguing for the adoption of a model that will ensure compliance with the provisions of the Act in public universities. Chapter one introduced PAIA against the backdrop of access legislation development across the globe. It explained the importance of PAIA in promoting access to information to exercise and protect human rights, as well as to achieve transparency and accountable governance in public bodies including universities. In addition, the obligations of public bodies including universities toward PAIA were discussed and the minimum standards for compliance with the Act were described. However, the ability to comply with PAIA depends on proper records management in public bodies including public universities. Although public universities have a legal obligation to comply with specific provisions of PAIA, the reports of the SAHRC to parliament indicate otherwise. It would seem that public universities are struggling to implement and comply with PAIA.

Based on this observation, the researcher sought to explore the experiences of a person or persons (with knowledge of PAIA in public universities), and hear their view/s on why public universities of Gauteng province struggle with PAIA compliance. Ideally, the key informants relevant for collecting primary data would be the information officers of these universities. However, owing to a lack of cooperation from the majority universities the researcher approached the SAHRC, an authority in PAIA. Fortunately, the document reviews subsequently conducted corroborated the primary data obtained from the interview. The study used an idiographic design to uncover the essential elements or essences of the experience of the key informant. The study sought to understand why universities struggle with PAIA compliance. In order to do so, the researcher had to interpret the views of the participant and therefore an interpretative paradigm was adopted to underpin this study. The researcher subsequently applied a qualitative approach with a phenomenological genre, as phenomenology is the study of experiences. Consequently, this study tapped into the experience of the person responsible for PAIA implementation and compliance in public universities.

Chapter one introduced the study, chapter two discussed the theoretical frameworks underpinning compliance with regulations and chapter three explored the literature on access legislation across the globe as well as related compliance models. In chapter four, the researcher presented a detailed discussion of the methodology used to address the research questions. Chapter five presented a phenomenological analysis (following IPA guidelines) of primary data while document reviews served to corroborate the primary data. Three themes emerged from the analysis of data: firstly, the lack of political will – government has failed to provide the SAHRC with the necessary resources and support to make PAIA work; secondly, the poor implementation of PAIA – it would seem that the SAHRC does not apply a specific model to implement PAIA in public universities; and thirdly, the culture of secrecy that is endemic in universities – PAIA seeks to change the culture in universities from secrecy to transparency and accountable governance. These three themes encapsulate the major factors affecting compliance or the lack of compliance in public universities of Gauteng province, South Africa. These themes also constitute the findings of this study as presented in chapter six. This chapter, chapter seven,

described the model for compliance with access legislation developed for Commonwealth countries.

In conclusion, the researcher recommended the adoption of the Commonwealth model with adjustments to suit local conditions in South Africa. This model provides a logical approach to achieving the effective implementation of, and compliance with, access legislation such as PAIA. Possible future research on this subject is encouraged to promote openness and accountable governance in public universities in South Africa.

LIST OF REFERENCES

- Access to Information Network (ATI Network). 2016. Shadow Report. Available at: [foip.saha.org.za/uploads/images/CERShadowReport2016Final%20\(1\).pdf](http://foip.saha.org.za/uploads/images/CERShadowReport2016Final%20(1).pdf) (Accessed 17 July 2017).
- African Commission on Human and People's Rights. 1981. African Charter on Human and People's Rights. Available at: www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf (Accessed 23 March 2016).
- African Commission on Human and People's Rights. 2002. Declaration of principles on freedom of expression in Africa. Available at: www.achpr.org/sessions/32nd/resolutions/62/ (Accessed 23 March 2016).
- African Commission on Human and People's Rights. 2013. Model law for African states on access to information. Available at: www.achpr.org/achpr-instr-model-law-access-to-information-2012-eng.pdf (Accessed 23 March 2016).
- Agle, BR, Hart, DW, Thompson, JA & Hendricks, HM (eds.) 2014. *Research companion to ethical behavior in organizations: constructs and measures*. Cheltenham: Edward Elgar Publishing.
- Akerlof, R. 2016. "We thinking" and, its consequences. *American Economic Review* 106(5): 415-419. Available at: <https://doi.org/10.1257/aer.p20161040>. (Accessed 17 July 2017).
- Alase, A. 2017. The Interpretative Phenomenological Analysis (IPA): A guide to a good qualitative research approach. *International Journal of Education & Literacy Studies* 5(2):9-19. Available at: <http://dx.doi.org/10.7575/aiac.ijels.v.5n.2p.9> (Accessed 04 March 2018).
- Allan, K. (ed.) 2009. *Paper wars: Access to information in South Africa*. Johannesburg: Wits University Press.
- Alm, J & Shimshack, J. 2014. *Environmental enforcement and compliance: Lessons from pollution, safety, and tax settings*. Boston, MA: Now Publishers.

- Amadi-Echendu, AP. 2016. Towards a framework for the integration of data and data sources in the automation and dematerialization of land administration systems. PhD Thesis. University of Pretoria, Pretoria.
- Anney, VN. 2014. Ensuring the quality of the findings of qualitative research: Looking at trustworthiness criteria. *Journal of Emerging Trends in Educational Research and Policy Studies* 5(2):272-281. Available at: <http://jeteraps.schoarlinkresearch.com/abstractview.php?id=19> (Accessed 16 July 2016).
- Antwi, SK & Hamza, K. 2015. Qualitative and quantitative research paradigms in business research: A philosophical reflection. *European Journal of Business and Management* 7(3):217-225. Available at: [www.iiste.org>index.php>EJBM>article>view](http://www.iiste.org/index.php/EJBM/article/view) (Accessed 16 July 2016).
- Arko-Cobbah, A. 2008. The right of access to information: Opportunities and challenges for civil society and good governance in South Africa. *IFLA Journal* 34(2):180-191. Available at: <https://doi.org/10.1177/0340035208092154> (Accessed 16 July 2016),
- Auditor General of South Africa (AGSA). 2011. Compliance with laws and regulations in government will fulfil the aspirations of citizens. Available at: <http://www.agsa.co.za> (Accessed on 23 March 2017).
- Auditor General of South Africa (AGSA). 2016. Managing records as a strategic resource. AGSA Provincial Records Management Seminar – Kimberly. Available at: <http://www.agsa.co.za> (Accessed 23 March 2017).
- Babbie, E & Mouton, J. 2010. *The practice of social research*. Cape Town: Oxford University Press.
- Baker, JD. 2016. The purpose, process and methods of writing a literature review. *AORN Journal* 103(30):265–269. Available at: <https://doi.org/10.1016/j.aorn.2016.01.016> (Accessed 23 March 2017).
- Banisar, D. 2006. *Freedom of Information around the world: Global survey of access to government information laws*. Washington, DC: Privacy International.

- Banisar, D. 2017. National right to information laws, regulations and initiatives. Available at: <https://www.researchgate.net/publication/25601022> (Accessed 05 February 2018).
- Barata, K. Cain, P. & Thurston, A. 2000. Building a case for evidence: research at the International Records Management Trust, Rights and records institute. *Records Management Journal* 10(1):9-22. Available at: <https://doi.org/10.1108/EUM0000000007253> (Accessed 23 July 2016).
- Barata, K, Cain, P, Bennett, R & Routledge, D. 2001. *From accounting to accountability – managing financial records as a strategic resource*. London: International Records Management Trust (IRMT).
- Barker, M. 2017. Management complacent in the face of an epidemic of corruption. *Business Day Live* 16 February. Available at: www.businessdaylive.co.za (Accessed 15 August 2018).
- Barney, JB. 2011. *Gaining and sustaining competitive advantage*. Boston: Prentice-Hall.
- Basnan, N, Salleh, MF, Ahmad, A, Upawi, I & Harun, AM. 2016. Information needs for accountability reporting: Perspectives of stakeholders of Malaysian public universities. *Acta Universitatis Danubius Economica* 12(3):68–62. Available at: journals.univ-danubius.ro/index.php/economics/issue/view/233 Also available at: journals.univ-danubius.ro/index.php/oeconomica/issue/archive? (Accessed 12 August 2017).
- Basnett, G & McNamara, P. 2015. Freedom of Information at ten: How all journalists can use the freedom of Information Act to find great exclusives *Press Gazette* February 02 Available at: www.pressgazette.co.uk (Accessed 17 July 2017).
- Bauhr, M & Grimes, M. 2013. Indignation or resignation: The implications of transparency for societal accountability. *Governance* 27(2):291–320. Available at: <https://doi.org/10.1111/gove.12033> (Accessed 18 July 2017).

- Bell, C. 2006. Paradigms behind (and before) the modern concept of religion. *History and Theory* 45(4):27–46. Available at: <https://www.jstor.org/stable/3874095> (Accessed 23 July 2017).
- Bentley, K, Habib, A & Morrow, S. 2006. *Academic freedom, institutional autonomy and the corporatised university in contemporary South Africa*. Research report. Pretoria: Council on Higher Education. Available at: www.che.ac.za/sites/default/files/publications/CHE_HEIAAF_No.3_Dec2006.pdf (Accessed 17 June 2017).
- Bergmann, A. 2014. Accountability: Now we must enhance government accountability and transparency. Available at: www.ifac.org. (Accessed 27 May 2016).
- Billow, K. 2016. Lack of accountability, integrity in public service breeding corruption. Available at: www.standardmedia.co.ke (Accessed 30 April 2017).
- Birks, M & Mills, J. 2015. *Grounded theory: A practical guide*. London: Sage.
- Birt, L, Scott, S, Cavers, D, Campbell, C & Walter, F. (2016). Member checking: A tool to enhance trustworthiness or merely a nod to validation. *Qualitative Health Research* 26(13):1802-1811. Available at: DOI: 10.1177/1049732316654870 (Accessed 23 March 2017).
- Bitsch, V. 2005. Qualitative research: A grounded theory example and evaluation criteria. *Journal of Agribusiness* 23(1):75–91. Available at: <http://ageconsearch.umn.edu/record/59612/files/s05-05.pdf> (Accessed 7 July 2016).
- Bleicher, J. 2017. *Contemporary hermeneutics: Hermeneutics as method, philosophy and critique*. New York: Routledge.
- Boddy, CR. 2016. Sample size for qualitative research. *Qualitative Market Research: An international Journal* 19(4):426–432. Available at: <https://doi.org/10.1108/QMR-06-2016-0053> (Accessed 23 March 2017).
- Bowen, GA. 2009. Document analysis as a qualitative research method. *Qualitative Research Journal* 9(2):27–40. Available at: <https://doi.org/10.3316/QRJ0902027> (Accessed 16 July 2016).

- Bowler, M & Farin, I. 2016. *Hermeneutical Heidegger*. Evanston, IL: Northwestern University Press.
- Bozzoli, B. 2015. *Behind the university funding crisis*. Available at: www.politicsweb.co.za (Accessed 24 August 2016).
- Braithwaite, V. 2014. Defiance and motivational postures. In: D. Weisburd and G. Bruisma (eds.) *Encyclopedia of criminology and criminal justice*. New York: Springer.
- Braithwaite, V & Reinhart, M. 2013. Deterrence, coping styles and defiance. *FinanzArchiv Public Finance Analysis* 69(4):439–468. Available at: DOI: 10.1628/001522113X675665 (Accessed 16 July 2016).
- Brumm, EK. 2005. *Rediscovering the theoretical base of records management and its implications for graduates*. Available at: <https://smartech.gatech.edu> (Accessed 18 June 2016).
- Bryman, A. 2012. *Social research methods*. Oxford: Oxford University Press.
- Bunge, M. 2017. *Philosophy of science: from problem to theory*. New York: Routledge.
- Bunting, I & Cloete, N. 2010. *Institutional types in higher education South Africa* [Powerpoint presentation]. Available at: www.chet.org.za (Accessed 3 March 2017).
- Bunting, I & Cloete, N. 2013. *Strengthening knowledge production in universities: Five South African case studies*. Paris: OECD.
- Calland, R. 2009. Illuminating the politics and the practice of access to information in South Africa. In: Allan, K. (ed.) *Paper wars: Access to information in South Africa*. Johannesburg: WITS University Press.
- Cambridge Advanced Learner's Dictionary & Thesaurus*. 2005. Cambridge: Cambridge University Press.

- Canadian Association of University Teachers. 2016. *Openness and transparency in post-secondary institutions*. Available at: www.caut.ca (Accessed 12 August 2017).
- Cantrell, DC. 1993. *Alternative paradigms in environmental educational research: The interpretive perspective*. Available at: <http://www.edu.uleth.ca/cicte/naceer.pgs/pubpro.pgs/alternate/pubfiles/08.cantrell.fin.htm> (Accessed 2 February 2017).
- Carothers, T & Brechenmacher, S. 2014. *Accountability, transparency, participation and inclusion: A new development consensus?* Washington, DC: Carnegie Endowment for International Peace.
- Carrigan, C & Harrington, E. 2015. Choices in regulatory program design and enforcement. Available at: www.law.upenn.edu/live/files/4706-carrighanharrington-ppr-researchpaper062015.pdf (Accessed 17 July 2016).
- Cerbone, DR. 2014. *Understanding phenomenology*. New York: Routledge.
- Chigudu, H & Chigudu, R. 2015. Strategies for building an organisation with a soul. Available at: www.airforafrica.org (Accessed 23 August 2018).
- Chinyemba, A. 2011. Fostering transparency, good governance and accountability in institutions of higher learning through records management. In: XXI Bi-Annual ESARBICA General Conference on "Access to Information: Archives and Records in Support of Public Sector Reform in Context". 6–10 June. Maputo, Mozambique. Available at: <http://www.esarbica.org/Chinyemba.pdf> (Accessed 12 August 2016).
- Chinyemba, A & Ngulube, P. 2005. Managing records at Higher Education Institutions: A case study of the University of KwaZulu-Natal, Pietermaritzburg campus. *South African Journal of Information Management* 7(1):1–19. Available at: <https://sajim.co.za/index.php/SAJIM/article/view/250> (Accessed 12 August 2016).

- Choudaha, R. 2013. Three solutions for reforming Indian Higher Education. *Journal of Comparative & International Higher Education* 5(Fall): 86-90. Available at: [www.ojed.org>>index.php>jcihe>article>download.pdf](http://www.ojed.org/index.php/jcihe/article/download) (Accessed 17 July 2016).
- Christensen, M, Welch, A & Barr, J. 2017. Husserlian descriptive phenomenology: A review of intentionality, reduction and the natural attitude. *Journal of Nursing Education Practice* 7(8):113. Available at: <https://doi.org/10.5430/jnep.v7n8p113> (Accessed 23 June 2018).
- Coan, S. 2010. The paper chasers. Available at: <https://www.news24.com/Archives/Witness/The-paper-chasers-20150430> (Accessed 18 July 2017).
- Coetzer, XP. 2012. The status of records management at the University of Zululand. Masters Dissertation. University of Zululand, Empangeni.
- Coglianesi, C. 2012. *Measuring regulatory performance: Evaluating the impact of regulation and regulatory policy*. Paris: OECD.
- Cohen, L, Manion, L & Morrison, K. 2007. *Research methods in education*. New York: Routledge.
- Concise Oxford English Dictionary [online]. Oxford: Oxford University Press.
- Concise Oxford English Dictionary. (2011). Oxford: Oxford University Press.
- Corruption Watch. 2014. *Secrecy, a threat to our democracy*. Available at: www.corruptionwatch.org.za/secrecy-a-threat-to-our-democracy (Accessed 15 August 2016).
- Corruption Watch. 2015. *Still too many barriers to information, says PAIA CSN*. Available at: www.corruptionwatch.org.za (Accessed 15 August 2016).
- Corruption Watch. 2017. *Information regulator gets off the ground*. Available at: www.corruptionwatch.org.za/information-regulator-gets-off-ground/ (Accessed 15 July 2018).

- Council on Higher Education (CHE). 2010. *Annual report of the Council on Higher Education 2010/2011*. Available at: http://www.che.ac.za/media_and_publications/annual-reports/annual-report-council-higher-education-2010/2011. (Accessed: 23 June 2017).
- Council on Higher Education. 2016. *South African higher education reviewed: Two decades of democracy*. Pretoria: Government Printers.
- Creswell, JW. 2007. *Qualitative inquiry and research design: Choosing among five approaches*. Thousand Oaks, CA: Sage Publications.
- Creswell, JW. 2013. *Qualitative inquiry and research design: Choosing among five approaches*. Thousand Oaks CA: Sage Publications.
- Creswell, JW & Plano-Clark, V. 2011. *Designing and conducting mixed methods research*. Thousand Oaks, CA: Sage Publications.
- Creswell, JW & Poth, CN. 2017. *Qualitative inquiry & research design: Choosing among five approaches*. Thousand Oaks CA: Sage Publications.
- Currie, I & De Waal, J. 2005. *The Bill of Rights handbook*. Cape Town: Juta.
- Currie, I & Klaaren, J. 2002. *The Promotion of Access to Information Act: Commentary*. Cape Town: Siber Ink.
- D'Arcy, J & Herath, T. 2011. A review and analysis of deterrence theory in the IS security literature: making sense of the disparate findings. *European Journal of Information Systems* 20(6): 643-658. Available at: 130.18.86.27/faculty/warkentin/BIS9613papers/Darcy/D'ArcyHerath2011_EJIS20_DeterrenceTheoryReviewed.pdf (Accessed 23 January 2017).
- Darbishire, H. 2010. *Proactive transparency: The future of the right to information? A review of standards, challenges and opportunities*. Washington DC: World Bank.
- Darch, C & Underwood, P. 2005. Freedom of Information legislation, state compliance and the discourse of knowledge: The South African experience. *The*

International Information & Library Review 37(2):77–86. Available at: DOI:10.1016/j.iilr.2005.05.003 (Accessed 17 July 2016).

Darch, C & Underwood, P. 2010. *Freedom of Information in the developing world: demand, compliance and democratic behaviours*. Oxford: Chandos.

Daruwala, M & Nayak, V. 2007. Empowering people to demand rights through knowledge. New Delhi: Commonwealth Human Rights Initiative (CHRI). Available at: <https://gsdr.org/document-library/our-information-empowering-people-to-demand-rights-through-knowledge> (Accessed 18 July 2017).

De Cuir-Gunby, JT. & Schutz, PA. 2016. *Developing a mixed method proposal: A practical guide for beginning researchers*. Thousand Oaks, CA: Sage Publishing.

De Mingo, AC & Martinez, AC. 2018. Improving records management to promote transparency and prevent corruption. *International Journal of Information Management*. 38(1):256-261. Available at: <http://doi/10.1016/j.ijinfomgt.2017.09.005> (Accessed: 18 January 2019).

De Vos, P. 2013. Zuma's secrecy bill moves: The darker side. *Daily Maverick*. Available at: www.dailymaverick.co.za/article/2013-09-12-zuma's-secrecy-bill-move-the-darker-side/ (Accessed 23 April 2017).

Denzin, NK & Lincoln, YS. 2005. *Strategies of qualitative inquiry*. Thousand Oaks, CA: Sage Publications.

Denzin, NK & Lincoln, YS. 2017. *Handbook of qualitative research*. Thousand Oaks, CA: Sage Publications.

Department of Higher Education & Training. 2017. Draft policy framework for the internationalisation of higher education in South Africa. Available at: www.dhet.gov.za (Accessed 23 February 2018).

Department of Performance, Monitoring & Evaluation (DPME). 2014. Twenty-year review, South Africa 1994-2014. Available at: www.dpme.gov.za/news/Documents/20%20Year%20Review.pdf (Accessed 17 July 2016).

- Diallo, F & Calland, R (eds.) 2013. *Access to information in Africa: Law, culture and practice*. Boston: Brill.
- Dimba, M & Calland, R. 2013. Freedom of information law in South Africa: a country study. Available at: www.humanrightsinitiative.org>rti>southafrica>call (Accessed 12 January 2017).
- Dokeniya, A. 2013. Implementing right to information. Available at: <https://sitesources.worldbank.org> (Accessed 23 March 2017).
- Donaldson, M & Kingsbury, B. 2013. The adoption of transparency policies in global governance institutions: Justification, effects and implications. *Law and Social Science*, 9(November):119–147. Available at: <https://doi.org/10.1146/annurev-lawsocsci-102811-173840> (Accessed 17 July 2016).
- Douglas, J. 2010. The identification, development and application of information culture in the Western Australian public sector. PhD Thesis. Edith Cowan University, Perth.
- Downe, JD. Cowell, R. & Morgan, K. 2016. What determines ethical behavior in public organizations: Is it rules or leadership? *Public Administration Review* 76(6):898–909. Available at: <https://doi.org/10.1111/puar.12562> (Accessed 23 March 2017).
- Duffus, KT. 2016. The role of records management education in Jamaica's development initiative. PhD Thesis. University College London, London.
- Ehling, M. 2014. Freedom of information laws: Keeping government open and accountable. Available at: <http://www.minnpost.com/author/matt-ehling> (Accessed 15 August 2016).
- Etienne, J. 2010. Compliance theory: a goal framing approach. *Law & Policy*. 33(3):305–333. Available at: https://www.researchgate.net/.../227647055_Compliance_Theory_A_Goal_Framing_Approach (Accessed 23 April 2017).

- Etikan, I. Musa, SA & Alkassim, RS. 2016. Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics* 5(1):1–4. Available at: DOI:10.11648/j.ajtas.20160501.11 (Accessed 23 March 2017).
- European Convention on Human Rights. 1950. Available at: https://www.echr.coe.int/documents/convention_eng (Accessed 23 March 2016).
- Evans, S. 2013. Culture of secrecy still a threat to state transparency. *Mail & Guardian*. 28 February. Available at: www.mg.co.za (Accessed 13 March 2017).
- Faber, J & Fonseca, LM. 2014. How sample size influences research outcomes. *Dental Press Journal of Orthodontics* 19(4):27–29. Available at: <https://doi.org/10.1590/2176-9451.19.4.027-029.ebo> (Accessed 17 July 2016).
- Farrell, P. 2015. Governments do not like freedom of information: the war on Australia's privacy and information watchdog. Available at: <http://www.theguardian.com/Australia-news/2015/oct/01/governments-do-not-like-foi-the-war-on-australias-privacy-and-information-watchdog> (Accessed 02 November 2016).
- Fassin, Y. 2012. Stakeholder management, reciprocity and stakeholder responsibility. *Journal of Business Ethics* 109(1):83–96. Available at: <https://doi.org/10.1007/s10551-012-1381-8> (Accessed 17 July 2016).
- Fatunde T. 2016. Moves to halt irregular professorial appointments. *University World News* 16 July. Available at: www.universityworldnews.com/article.php?story=20160715115323759 (Accessed 17 July 2017)
- Ferrari, R. 2015. Writing narrative style literature reviews. *Medical Writing* 24(4): 230–235. Available at: DOI:10.1179/2047480615Z.000000000329 (Accessed 17 July 2016).
- Ferreira, CM. 2018. Informed consent in social science research: Ethical challenges. *International Journal of Social Science Studies* 6(5):13-23. Available at: <https://doi.org/10.11114/ijss.v6i5.3106> (Accessed 20 January 2019).

- Ferreira, E. 2012. *Latest secrecy bill still clashes with PAIA*. Available at: <https://mg.co.za/article/2012-11-29> (Accessed 21 July 2016).
- Fig, D. 2009. In the dark: Seeking information about South Africa's Nuclear Energy Programme. In: Allan, K. (ed.) *Paper wars: Access to information in South Africa*. Johannesburg: Wits University Press.
- Fischer, T. 2016. The dangerous secrets that colleges are keeping. Available at: <https://doi.org/theodysseyonline.com/> (Accessed 12 March 2016).
- Flick, U. 2004. Constructivism. In: U. Flick, E. von Kardoff & I. Steinke (Eds.). *A companion to qualitative research*. Thousand Oaks, CA: Sage Publications.
- Frechette, J, Bitzas, V, Aubry, M, Kilpatrick, K & Lavoie-Tremblay, M. 2020. Capturing lived experience: Methodological considerations for interpretive phenomenological inquiry. *International Journal of Qualitative Methods* 19:1–12 Available at: <https://doi.org/10.1177/1609406920907254> (Accessed 20 April 2020).
- Frederickson, HG & Ghere, RK. 2014. *Ethics in public management*. New York: Routledge.
- Freeman, RE, Harrison, JS & Wicks, AC. 2007. *Managing for stakeholders: survival, reputation and success*. New Haven: Yale University Press.
- Friedman, M. 1970. The social responsibility of business is to increase its profits. *New York Times Magazine*. Available at: http://umich.edu/~the_core/doc/Friedman.pdf (Accessed 17 July 2017).
- Fung, B. 2014. The demand and need for transparency disclosure in corporate governance. *Universal Journal of Management* 2(2):72–80. Available at: DOI:10.13189/UJM.2014.020203 (Accessed 17 July 2016).
- Funkhouser, M. 2018. What people get wrong about political will? *Governing* April 25. Available at: www.governing.com/gov-institute/on-leadership (Accessed 15 June 2019).

- Funnell, N. 2016. *Police reveal what the secretive universities didn't want you to know*. Available at: www.news.com.au (Accessed 23 March 2017).
- Fusch, P, Fusch, GE & Ness, LR. 2018. Denzin's paradigm shift: Revisiting triangulation in qualitative research. *Journal of Social Change* 10(1):19–32. Available <https://doi.org/10.5590/JOSC.2018.10.1.02> (Accessed 12 February 2019).
- Fuyarchuck, A. 2017. *The inner voice in Gadamer's hermeneutics: Mediating between modes of cognition in the humanities and sciences*. Lanham, MD: Lexington Books.
- Gander, H. 2014. Gadamer: The universality of hermeneutics. In: J. Malpas & Gander, H. *Routledge Companion to Hermeneutics*. Abingdon: Routledge.
- Garner, BA. 2014. *Black's Law Dictionary*. St. Paul, MN: Thomson Reuters.
- Geertz, C. 1973. *The interpretation of cultures*. New York: Basic Books.
- Gill, MJ. 2014. The possibilities of phenomenology for organizational research. *Organizational Research Methods* 17(2):118–137. Available at: <https://doi.org/10.1177/1094428113518348> (Accessed 23 March 2018).
- Glicksman, RL & Earnhart, D. 2015. Coercive versus cooperative enforcement: Effect of enforcement approach on environmental management. *International Review of Law and Economics* 42(June):135–146. Available at: http://scholarship.law.gwu.edu/faculty_publications/1100 (Accessed 18 July 2017).
- Goodall, J & Gay, O. 2010. Freedom of information: The first five years. Available at: <http://www.justice.gov.uk/publications/freedomofinformationquarterly.htm> (Accessed 23 March 2017).
- Goodchild van Hilten, L. 2015. *Higher education is key to economic development (but it's not as simple as you think)*. Elsevier Atlas Award July 2015 Winner. Available at: <https://www.elsevier.com/atlas/story> (Accessed 15 July 2016).

- Gould, C. 2009. The nuclear weapons history project. In: Allan, K. (ed.) *Paper wars: Access to information in South Africa*. Johannesburg: Wits University Press.
- Grondin, J & Plant, K. 2014. *The philosophy of Gadamer*. London: Routledge.
- Halej, J. 2017. Ethics in primary research. Equality Challenge Unit. Available at: https://warwick.ac.uk/fac/cross_fac/ias/funding/wirl/.../ecu_research_ethics.pdf (Accessed 23 February 2018).
- Hallak, J & Poisson, M. 2004. *Ethics and corruption in education: An overview*. Paris: UNESCO-IIEP.
- Hallak, J & Poisson, M. 2013. *Governance in education: Transparency and accountability matters*. Paris: UNESCO-IIEP. Available at: www.researchgate.net/.../297277972_Governance_in_education_transparency_and_accountability_matters/ (Accessed 17 July 2016).
- Hammarberg, K, Kirkman, M & de Lacey, S. 2016. Qualitative research methods: When to use them, and how to judge them. *Human Reproduction* 31(3): 498–501. Available at: <https://doi.org/10.1093/humrep/dev334> (Accessed 20 March 2019).
- Harris, EK. 2013a. *Customer service: A practical approach*. London: Pearson Education.
- Harris, V. 2009. From gatekeeping to hospitality. In: Allan, K. (ed.) *Paper wars: Access to information in South Africa*. Johannesburg: Wits University Press.
- Harris, V. 2013b. *What is still wrong with the Protection of State Information Bill?* Available at: www.nelsonmandela.org/news/entry/what-is-still-wrong-with-the-protection-of-state-information-bill (Accessed 17 July 2017).
- Harrison, JS & Wicks, AC. 2013. Stakeholder theory, value and firm performance. *Business Ethics Quarterly* 23(1):97-124. Available at: <https://doi.10.5840/beq20132314> (Accessed 23 March 2017).

- Harrison, JS, Bosse, DA & Phillips, RA. 2010. Managing for stakeholders, stakeholder utility functions and competitive advantage. *Strategic Management Journal* 31(1):58–74. Available at: <https://doi.org/10.1002/smj.801> (Accessed 17 July 2016).
- Hazell, R, Worthy, B & Glover, M. 2010. *The impact of the Freedom of Information Act on central government: Does FOI work?* Oxford: Palgrave MacMillan.
- Heale, R & Forbes, D. 2013. Understanding triangulation in research. *Evidence-Based Nursing* 16(4):98–98. Available at: <http://dx.doi.org/10.1136/eb-2013-101494> (Accessed 15 June 2017).
- Henning, E, Van Rensburg, W & Smith, B. 2004. *Finding your way in qualitative research*. Pretoria: Van Schaik.
- Holloway, I & Galvin, K. 2016. *Qualitative research in nursing*. Hoboken, NJ: Wiley-Blackwell.
- Holsen, S & Pasquier, M. 2012. Insight on oversight: The role of Information Commissioner in the implementation of access to information policies. *Journal of Information Policy* 2:214–241. Available at: www.jstor.org/stable/10.5325/jinfopoli.2.2012.0214 (Accessed 23 August 2016).
- Hope, KR. 2017. *Corruption and governance in Africa: Swaziland, Kenya, Nigeria*. London: Palgrave MacMillan
- Huang, F. 2011. An empirical examination of the applicability and effectiveness of the open innovation paradigm. PhD Thesis. University of Adelaide, Adelaide.
- Huang, MH & Chen, DZ. 2016. How can academic innovation performance in university-industry collaboration be improved? *Technological Forecasting & Social Change* 123(2017):210–215. Available at: <http://dx.doi.org/10.1016/j.techfore.2016.03.024> (Accessed 17 January 2018).
- Hunt, G. 2000. Whistleblowing, accountability and ethical accounting. *Journal of Patient Safety and Risk Management* 6(3):115–116. Available at: <https://doi.org/10.1177/135626220000600306> (Accessed 17 July 2017).

- Husserl, E. 2012. *Ideas: General introduction to pure phenomenology*. New York: Routledge.
- Idoniboye-Obu, SA. 2014. Corruption in higher education in Nigeria: Prevalence, structures and patterns among students of higher education institutions in Nigeria. PhD Thesis. University of KwaZulu Natal, Pietermaritzburg.
- Ignatief, M. 2018. The role of universities in an era of authoritarianism. *University World News* 13 April. Available at: www.universityworldnews.org (Accessed 15 August 2018).
- Ingrams, A. 2016. Assessing open government performance through three public administration perspectives: Efficiency, democratic responsiveness and legal rational process. *Chinese Public Administration Review* 7(1):110-145. Available at: <https://doi.org/10.22140/cpar.u7i1.120> (Accessed 23 March 2017).
- International Covenant on Civil and Political Rights. 1966. Available at: <https://treatise.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf> (Accessed 23 March 2016).
- International Standard Organisation (ISO) 15489 -1: 2016. *Information and documentation – records management*. Available at: www.iso.org (Accessed 21 August 2017).
- Iphofen, R. 2016. *Ethical decision-making in social research: A practical guide*. London: Palgrave-Macmillan.
- Isa, A, Yaacob, RA & Nordin, NM. 2013. Strategic management of records and risks for the sustainability of organizations: A case study investigation. *Journal of information and Knowledge Management* 3(1):15–28. Available at: <https://ijikm.uitm.edu.my> (Accessed 17 July 2016).
- Jarvis, L. 2015. Student funding explained. Available at: <https://www.wits.ac.za/news/latest-news/general-news/2015-10/student-funding-explained.html> (Accessed 02 November 2016).

- Jezak, M. 2017. *Language is the key: The Canadian language benchmarks model*. Ottawa: University of Ottawa Press.
- Jones, A. 2017. Secrecy enables corruption, says Joseph E. Stiglitz. Available at: www.journalism.co.za/2017/11/19/ (Accessed 23 February 2018).
- Kaka, JC. 2016. Implementation of the Promotion of Access to Information Act in the Department of Sports, Art & Culture in Limpopo province. Master's Dissertation. University of Limpopo, Turfloop.
- Kaufmann, D. 2005. *Transparency, incentives and prevention for corruption control and good governance: Empirical findings, practical lessons and strategies for action-based on international experience*. Washington, DC: The World Bank. Available at: http://www.worldbank.org/wbi/governance/pdf/quinghua_presentation.pdf (Accessed 23 March 2017).
- Keane, N & Lawn, C. 2016. *The Blackwell companion to hermeneutics*. Oxford: John Wiley & Sons.
- Kgongoane, G. 2020. VUT hit by sex for jobs scandal. *Vaalweekblad* 24 February.
- Khanyile, M. 2018. Essentiality of stakeholder management for university survival. *South African Journal of Higher Education* 32(4):132–148. Available at: www.journals.ac.za/index.php/sajhe/article/view (Accessed 14 February 2019).
- Kearney, R. 1994. *Modern movements in European philosophy*. Manchester: Manchester University Press.
- Kearney, G. & Stapleton, A. 1998. Developing freedom of information legislation in Ireland. In: McDonald, A., Terril, G. (Eds). *Open Government*. London: Palgrave Macmillan. Available at: https://doi.org.10.1007/978-1-349-14729-8_9 (Accessed 23 July 2016).

- Kigotho, W. 2013. Corruption is eroding higher education benefits. *University World News* 290. Available at: www.universityworldnews.com (Accessed 23 March 2017). Available at: [www.universityworldnews.com>post>story=20131001](http://www.universityworldnews.com/post/story=20131001) (Accessed 17 July 2016).
- Kivunja, C & Kuyini, AB. 2017. Understanding and applying research paradigms in educational contexts. *International Journal of Higher Education* 6(5):26–41. Available at: <https://doi.org/10.5430/ijhe.v6n5p26> (Accessed 14 March 2018).
- Klaaren, J. 2015. The Judicial Role in Defining National Security and Access to Information in South Africa. *Democracy & Security* 11(3):275–297. Available at: https://wiser.wits.ac.za/sites/default/files/2015_09_16_The%20Judici.pdf (Accessed 30 June 2016).
- Kleinberg-Levin, D. 2019. *Heidegger's phenomenology of perception: an introduction*. Lanham, MD: Rowman & Littlefield International.
- Korstjens, I & Moser, A. 2018. Series: Practical guidance to qualitative research. Part 4: Trustworthiness and publishing. *European Journal of General Practice* 24(1):120–124. Available at: DOI:10.1080/13814788.2017.1375092 (Accessed 23 March 2019).
- Kotulic, AG & Clark, JG. 2004. Why there aren't more information security research studies. *Information Management* 41(5):597–607. Available at: www.sciencedirect.com/journal/information-andmanagement/vol/41/issue/5_risk_management.pdf (Accessed 12 January 2017).
- Krishnan, G. 2001. Increasing information access to improve political accountability and participation. Paper presented at the Asia Pacific Regional Workshop. 10th IACC, Prague 10 October. Available at: http://www.undp.org/governance/docsaccess/increasing_information_access.doc (Accessed 23 March 2017).
- Krueger, J (ed.) 2013. *Cases on electronic records and resource management implementation in diverse environments*. Hershey, PA: IGI Global.
- Kumar, CR. 2019. *Research methodology: A step, by step guide for beginners*. Thousand Oaks, CA: Sage Publications.

- Kusnetz, N. 2015. Secrecy, corruption and state conflicts of interest pervasive in state governments. *USA Today*, November 9. Available at: <https://www.usatoday.com/story/news/2015/11/09/center-integrity-corruption-grades-states/74823212> (Accessed 06 March 2017).
- Kwoka, MB. 2013. Deferring to secrecy. *Boston College Review* 54(1):185-242. Available at: http://bclawreview.org/files/2013/01/04_kwoka.pdf (Accessed 17 July 2017).
- Kwoka, MB. 2018. First-person FOIA. *Yale Law Journal* 127(8): 2204-2585. <https://digitalcommons.law.yale.edu/ylj/vol127/iss8/1> (Accessed 7 July 2019).
- Kyobe, ME, Molai, P & Salie, T. 2009. Investigating electronic records management and compliance with regulatory requirements in a South African university. *South African Journal of Information Management* 11(1):1–15. Available at: <https://sajim.co.za/index.php/SAJIM/article/view/396> (Accessed 17 June 2017).
- Lagan, A & Moran, B. 2015. *Three-dimensional ethics: Implementing workplace values*. New York: Routledge.
- Lagardien, I. 2015. Records of democratic South Africa could be lost forever. *Daily Maverick*. Available at: www.dailymaverick.co.za/opinionsta/2015-06-15-historical-archives-crisis-records-of-democratic-south-africa-could-be-lost-probably-forever/#.ViHfmqqko (Accessed 23 March 2016).
- LaMay, CL, Freeman, B & Winfield, R. (eds.) 2013. *Breathing life into FOI laws: The challenges of implementation in the democratizing world*. Washington, DC: The Center for International Media Assistance. Available at: <http://cima.ned.org> (Accessed 23 March 2016).
- Lane, B. 2010. Lecturer offered exam pass for sex. *The Australian*. Available at: <https://www.theaustralian.com.au> (Accessed 3 March 2017).

- Langa, M. (ed.) 2017. # Hashtag: An analysis of the # Fees Must Fall movement at South African universities. Available at: <https://www.csvr.org.za/pdf/an-analysis-of-the-feesmustfall-movement-at-south-african-universities> (Accessed 23 July 2018).
- Laverty, SM. 2003. Hermeneutic phenomenology and phenomenology: A comparison of historical and methodological considerations. *International Journal of Qualitative Methods* 2(3):21–35. Available at: <https://doi.org/10.1177/160940690300200303> (Accessed 15 February 2017).
- Leedy, PD & Ormrod, JE. 2013. *Practical research: Planning and design*. Boston: Pearson Education.
- Leedy, PD & Ormrod, JE. 2015. *Practical research: Planning and design*. Boston: Pearson Education.
- Leedy, PD & Ormrod, JE. 2019. *Practical research: Planning and design*. Boston: Pearson Education.
- Lemieux, V. & Trapnell, SE. 2014. *Right to information: Identifying drivers of effectiveness in implementation*. Washington, DC: World Bank. Available at: <http://documents.worldbank.org/curated/en/157641467997846547/Right-to-information-identifying-drivers-of-effectiveness-in-implementation> (Accessed 17 May 2016).
- Lerner, JS & Tetlock, PE. 1999. Accounting for the effects of accountability. *Psychological Bulletin* 125(2):255–275. Available at: http://projects.iq.harvard.edu/files/lerner_tetlock_1999 (Accessed 17 July 2016).
- Lester, A. 2017. *Five ideas to fight for: How our freedom is under threat and why it matters*. London: One-World Publishers.
- Levine, SJ. 2015. The law and the “spirit of the law” in legal ethics. Available at: <http://digitalcommons.tourolaw.edu/scholarlyworks> (Accessed 15 September 2018).

- Li, D. 2004. Trustworthiness of think-aloud protocols in the study of translation processes. *International Journal of Applied Linguistics* 14(3):301-313. Available at: <https://doi.org/10.1111/j.1473-4192.2004.00067.x> (Accessed 17 July 2016).
- Lindenberg, S & Steg, L. 2007. Normative, gain and hedonic goal frames guiding environmental behaviour. *Journal of Social Issues* 63(1):117–137. Available at: <https://doi.org/10.1111/j.1540-4560.2007.00499.x> (Accessed 17 July 2016).
- Loh, J. 2013. Inquiry into issues of trustworthiness and quality in narrative studies: A perspective. *The Qualitative Report* 18(33):1–15. Available at: <https://nsuworks.nova.edu/tqr/vol18/iss33/1> (Accessed 17 July 2016).
- Lowry, J & Wamukoya, J. (eds.) 2016. *Integrity in government through records management*. New York: Routledge.
- Mabelebele, J. 2014. Is public trust in universities declining in South Africa? Dilemmas and paradoxes. Available at: www.usaf.ac.za/.../Do-South-Africans-value-their-universities_20140505_JM-revised (Accessed 17 June 2017).
- Machi, LA & McEvoy, BT. 2016. *The literature review: six steps to success*. Thousand Oaks, CA: Corwin Press.
- Macupe, B. 2019. Deja VUT: Nzimande appoints another administrator at embattled university. *Mail & Guardian* 14 August. Available at: www.mg.co.za (Accessed 16 August 2019).
- Mai, TKH. 2016. *Securing freedom of information in Vietnamese government and law*. PhD Thesis. University of Queensland, Brisbane.
- Makate, M. 2013. Universities under administration: Update by the department of higher education and training parliamentary monitoring group. Available at: <http://pmg.org.za/committee-meeting/16185/> (Accessed 24 June 2017).

- Makhura, M. & Ngoepe, M. 2004. Assessing the extent of compliance with regard to the National Archives and Records Service of South Africa Act and Promotion of Access to Information Act: Implications for good governance and accountability. *ESARBICA Journal of the eastern and southern Africa Regional Branch of the International Council on Archives* 25(1):128-138. Available at: <https://doi.org/10.4314/esarj.v25i1.31008> (Accessed 23 July 2016).
- Malpas, J. 2018. *The Stanford Encyclopedia of Philosophy*. Stanford, CA: Stanford University Press.
- Malpas, J & Gander, H. 2014. *The Routledge companion to hermeneutics*. New York: Routledge.
- Mambulase, M. 2017. Access to information in Malawi: The journey to date and a quick survey of the ATI Bill of 2016. Available at: www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/GOAL-16-Book-Mambulase.pdf (Accessed 20 February 2018).
- Manamela, MG & Rambuda, R. 2016. *Provision of information in South Africa: Issues of bias, access, transparency and accountability*. Paper presented at the SAAPAM Limpopo Chapter 5th Annual Conference Proceedings. Available at: www.ulspace.ul.ac.za (Accessed 4 November 2017).
- Marais, DL, Quayle, M & Burns, JK. 2017. The role of access to information in enabling transparency and public participation in governance: A case study of access to policy consultation records in South Africa. *African Journal of Public Affairs* 9(6):36–49. Available at: https://journals.co.za/content/journals/ajpa_v9_n6 (Accessed 20 February 2018).
- Maritz, J & Visagie, R. 2010. *Methodological rigour and ethics of accountability within a qualitative framework*. Pretoria: UNISA.
- Marshall, C & Rossman, G. 2016. *Designing qualitative research*. Thousand Oaks, CA: Sage.

- Martensson, P, Fors, U, Wallin, S, Zander, U & Nilsson, GH. 2016. Evaluating research: A multidisciplinary approach to assessing research practice and quality. *Research Policy* 45(3):593–603.
- Marutha, S. 2011. Records management in support of service delivery in the public health sector of the Limpopo province in South Africa. MINF Dissertation. University of South Africa, Pretoria.
- Mathope, G. 2017. UNIZULU Vice-Chancellor charged with corruption and maladministration. *The Citizen*. 5 September. Available at: <https://citizen.co.za/news/southafrica/1640553/unizulu-vice-chancellor-charged-with-corruption-and-maladministration/> (Accessed 23 November 2017).
- Mbeki, T. 2015. Thabo Mbeki: African universities must show they can aid development. *Times Higher Education*. Available at: <https://www.timeshighereducation.com/blog/thabo-mbeki-future-african-universities> (Accessed 15 November 2017).
- McGrath, SK & Whitty, SJ. 2017. Stakeholder defined. *International Journal of Managing Projects in Business* 10(4):721-748. Available at: <https://doi.org/10.1108/IJMPB-12-2016-0097/> (Accessed 18 January 2018).
- McKinley, DT. 2003. *The state of access to information in South Africa*. Available at: www.csvr.org.za/docs/trc/stateofaccess.pdf (Accessed 16 May 2016).
- McKinley, DT. 2013. Secrecy and power in South Africa. In: Gilbert, M, Khadiagala, P, Pillay, D & Southall, R. (eds.) *New South Africa Review 4: A fragile democracy – twenty years on*. Johannesburg: Wits University Press.
- Mendel, T. 2008. *Freedom of information: A comparative legal survey*. Paris: UNESCO.
- Merriam, S & Tisdell, E. 2016. *Qualitative research: A guide to design and implementation*. San Francisco, CA: Jossey-Bass.
- Merriam-Webster Dictionary*. 2016. Springfield, MA: Merriam-Webster Incorporated.

- Meuwese, A, Scheltema, M & Van der Velden, L. 2015. The OECD framework for regulatory policy evaluation: An initial assessment. *European Journal of Risk Regulation* 6(1):101–110. Available at: <https://www.jstor.org/stable/24323721> (Accessed 17 July 2016).
- Miles, MB, Huberman, AM & Saldana, J. 2013. *Qualitative data analysis: A methods' source book*. Thousand Oaks, CA: Sage Publications.
- Milo, D & Stein, P. 2014. *Getting to grips with South Africa's Promotion of Access to Information Act (PAIA)*. Available at: www.africacheck.org (Accessed 23 September 2016).
- Mkhize, N. 2017. Time to deal with higher education's dirtiest secret. *Dispatch LIVE* 21 November. Available at: www.dispatchlive.co.za (Accessed 12 February 2018).
- Mohan, K. 2014. Factsheet: Freedom of information in Africa. *Africa Check* 24 June Available at: www.africacheck.org (Accessed 23 September 2016).
- Mojapelo, M. & Ngoepe, M. 2017. The role of the South African Human Rights Commission to records management in the public sector in South Africa. *Journal of the South African Society of Archivist* 50:28-55. Available at: <https://www.ajol.info/index.php/jsasa/article/view/167947> (Accessed 23 January 2018).
- Mokone, T. 2017. MP's grill NSFAS, WSU, Intellimali over R14-million student deposit. *Times Live*. 13 September. Available at: www.timeslive.co.za (Accessed 21 March 2018).
- Moran, D. 2013. Intentionality: Some lessons from the history of the problem from Brentano to the present. *International Journal of Philosophical Studies* 21(3): 317-358. Available at: <https://doi.org/10.1080/09672559.2013.812605> (Accessed July 2018).
- Morgan, J. 2015. Freedom of Information: Why it is important for universities to stay subject to FOI. *Times Higher Education*. Available at: www.timeshighereducation.com (Accessed 17 July 2016).

- Moriarty, J. 2014. The connection between stakeholder theory and stakeholder democracy: An excavation and defense. *Business & Society* 53(6):820–852. Available at: <https://doi.org/10.1177/0007650312439296> (Accessed 23 July 2016).
- Morrison, T. 2001. How can values be taught in the university? *Michigan Quarterly Review Spring* 40(2):273-278. Available at: <https://quod.lib.umich.edu/cgi/t/text/text-idx?c=mqrarchive;page=issues;xc=1;g=mqrg> (Accessed 15 August 2016).
- Morse, JM. 2000. Determining sample size. *Qualitative Health Research* 10(91):3-5. Available at: <https://doi.org/10.1177/104973200129118183> (Accessed 23 July 2016).
- Morse, JM. 2015. Analytic strategies and sample size. *Qualitative Health Research* 25(10):1317-1318. Available at: <https://doi.org/10.1177/1049732315602867> (Accessed 23 July 2016).
- Morse, JM, Barrett, M, Mayan, M, Olson, K & Spiers, J. 2002. Verification strategies for establishing reliability and validity in qualitative research. *The International Journal of Qualitative Methods* 1(2):1–19. Available at: <http://www.ualberta.ca/~ijqm/> (Accessed 23 July 2017).
- Mosunova, N. 2014. The content of accountability in corporate governance. *Russian Law Journal* 2 (3): 116-129. Available at: <http://dx.doi.org/10.17589/2309-8678-2014-2-3-116-129> Also available at: https://www.researchgate.net/publication/281610660_The_Content_of_Accountability_in_Corporate_Governance (Accessed 15 August 2016).
- Moyo, T, Hoffmann, N & McKenna, S. 2016. Student funding overhaul will fail without greater public scrutiny of NSFAS. *Business Day*. Available at: www.bdlive.co.za. (Accessed 12 June 2017).

- Mulgan, R. 2014. How the freedom of information watchdog was starved to death. Available at: <http://www.canberratimes.com.au/national/public-service/how-the-foi-watchdog-was-starved-to-death-20140601-39ckf.html> (Accessed 02 November 2016).
- Muneer, S, Abd-El Moemen, M & Khader, J. 2014. Strategic planning and stakeholder participation in higher education: A state university case. Available at: www.researchgate.net/publication/320198095_strategic-planning-and-stakeholder-participation-in-higher-education-a-state-university-case (Accessed 23 July 2017).
- Mustonen, J (ed.) 2006. *The world's first Freedom of Information Act*. Kokkola: Anders Chydenius Foundation.
- Mzangwa, ST. 2019. The effects of higher education policy on transformation in post-Apartheid South Africa [online]. *Journal of Cogent Education* 6(1):1-15. Available at: <https://doi.org/10.1080/2331186X.2019.1592737> (Accessed 6 January 2020).
- Nanabhay, Y. 2014. *Non-compliance with external control measures in selected case studies within the national sphere of the public sector*. Master's Thesis. Cape Peninsula University of Technology, Cape Town.
- National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research. 1979. *The Belmont Report: Ethical principles and guidelines for the protection of human subjects of research*. Bethesda, MD: The Commission.
- Ndabeni, K. 2013. New varsity sex pest claim. *Times LIVE* 20 September Available at: <https://www.timeslive.co.za/news/southafrica/2013-09-20-new-varsity-sex-pest-claim/> (Accessed 17 July 2017).
- Ndifuna, M. 2010. An analysis of laws inconsistent with the right of access to information. *Human Rights Network*. Available at: www.right2info.org (Accessed 02 November 2016).

- Neuman, WL. 2011. *Social research methods: Qualitative and quantitative approaches*. Boston, MA: Pearson.
- Neuman, L & Calland, R. 2007. *Making access to information law work: the challenges of implementation*. Available at: www.cartercenter.org/resources/pdfs/peace/americas/making_the_law_work.pdf (Accessed 16 July 2016).
- News24. 2016. The fallacy of institutional autonomy in universities in South Africa and the enemies of transformation. Available at: <https://www.news24.com> (Accessed 17 July 2017).
- Ngoepe, M. 2008. An exploration of records management trends in the South African public sector: A case of the Department of Provincial and Local Government. Master's Dissertation. University of South Africa, Pretoria.
- Ngoepe, M. 2014a. The role of records management as a tool to identify risks in the public sector in South Africa. *South African Journal of Information Management* 16(1):1-8. Available at: <https://www.doi.org.10.4102/sajim.v16i1.615> (Accessed 15 July 2017).
- Ngoepe, M. 2014b. Records management models in the public sector in South Africa: Is there a flicker of light at the end of the dark tunnel? *Information Development* 32 (3):338-353 Available at: <https://doi.org/10.1177/0266666914550492> (Accessed 12 January 2017).
- Ngoepe, M. & Keakopa, SM. 2011. An assessment of the state of national archives and records systems in the ESARBICA region. *Records Management Journal* 21(2):145-160.
- Ngoepe, M. & Ngulube, P. 2013. An exploration of the role of records management in corporate governance in South Africa. *South African Journal of Information Management* 15(2):1-8. Available at: <https://doi.org/10.4102/sajim.v15i2.575> (Accessed 23 March 2017).
- Noh, W. 2011. *The Clinton and George W. Bush administrations' FOIA policies: The presidents' influences on FOIA policies*. PhD Thesis. Florida State University, Tallahassee.

- Ntontela, M. 2015. *An investigation of records management as a catalyst in ensuring accountability and transparency: A case study of the provincial department of basic education in the Eastern Cape*. MINF Dissertation. University of Fort Hare, Alice.
- O'Brien, AM & McGuckin, C. 2016. *The systematic literature review method: Trials and tribulations of electronic database searching at doctoral level*. Thousand Oaks, CA: Sage Publication.
- O'Byrne, WI. 2015. Moving toward transparency in higher education. Available at: <https://wiobyne.com/moving-towards-transparency-in-higher-education> (Accessed 21 July 2016).
- Odinkalu, C & Kadiri, M. 2014. Making progress on Freedom of Information in Africa. Available at: www.justiceinitiative.org (Accessed 23 September 2016).
- O'Leary, Z. 2014. *The essential guide to doing your research project*. Thousand Oaks, CA: Sage Publications.
- O'Malley, B. 2016. Developing a culture of transformation at universities. *University World News* 17 September. Available at: www.universityworldnews.com/article.php?story=20160917002232278 (Accessed 18 July 2017).
- O'Malley, B. 2019. Ministers launch new international education strategy. *University World News*. 18 March. Available at: www.universityworldnews.org (Accessed 27 March 2019).
- Omotayo, FO. 2015. The Nigerian Freedom of Information law: Progress, implementation, challenges and prospects [online]. *Library Philosophy & Practice* (Winter):1-19. Available at: www.digitalcommons.unl.edu/libphilprac (Accessed 11 June 2016).
- Onwuegbuzie, AJ & Frels, R. 2016. *Seven steps to a comprehensive literature review: A multimodal and cultural approach*. Thousand Oaks, CA: Sage Publications.

- Onwuegbuzie, AJ & Leech, NL. 2007. Validity and qualitative research: An oxymoron? *Quality & Quantity* 41(2):233–249. Available at: <https://doi.org/10.1007/s11135-006-9000-3> (Accessed 17 July 2016).
- Onwuegbuzie, AJ & Weinbaum, R. 2017. A framework for using qualitative comparative analysis for the review of the literature. *The Qualitative Report* 22(2):359–372. Available at: <https://nsuworks.nova.edu/tqr/vol22/iss2/1> (Accessed 23 March 2018).
- Open Democracy Advice Centre (ODAC). 2006. *Evaluation of ODAC's right to know, right to live outreach strategy 2001-2005*. Cape Town: The Open Democracy Advice Centre.
- Open Democracy Advice Centre (ODAC) 2018a. *What you need to know about the information regulator*. Available at: www.opendemocracy.org.za (Accessed 17 January 2019).
- Open Democracy Advice Centre (ODAC) 2018b. *A call to action for the information regulator*. Available at: www.opendemocracy.org.za (Accessed 17 June 2019).
- Organisation for Economic Co-operation and Development (OECD). 2000. *Reducing the risk of policy failure: Challenges for regulatory compliance*. Paris: OECD.
- Orman, TF. 2016. "Paradigm" as a central concept in Thomas Kuhn's thoughts. *International Journal of Humanities and Social Science* 6(10):47-52. Available at: www.ijhssnet.com>journals>8.pdf (Accessed 23 July 2017).
- Orobor, AI. 2014. Towards a unified university information system: Bridging the gap of data interoperability. *American Journal of Software Engineering* 2(2): 26-32. Available at: DOI:10.12691/ajse-2-2-3 (Accessed 17 July 2016). Also available at: www.pubs.sciepub.com (Accessed 17 July 2016).
- Othman, Z, Shafie, R, Zakimi, F & Hamid, A. 2014. Corruption – Why they do it? In: International Conference on Accounting Studies (ICAS 2014) 18–19 August, Kuala Lumpur, Malaysia. *Procedia-Social and Behavioral Sciences* 164(31 December 2014):248–257 [online]. Available at: <https://doi.org/10.1016/j.sbspro.2014.11.074> (Accessed 12 August 2016).

- Owen, GT. 2014. Qualitative methods in higher education policy analysis: Using interviews and document analysis. *The Qualitative Report* 19(26):1–19. Available at: <https://nsuworks.nova.edu/tqr/vol19/15626/2> (Accessed 20 March 2019).
- Paley, J. 2016. *Phenomenology as qualitative research: A critical analysis of meaning attribution*. New York: Routledge.
- Patton, QM. 2002. *Qualitative evaluation and research methods*. Newbury Park, CA: Sage Publications.
- Peekhaus, W. 2014. South Africa's Promotion of Access to Information Act: An analysis of relevant jurisprudence. *Journal of Information Policy* 4:570–596. Available at: DOI:10.5325/jinfopoli.4.2014.0570 (Accessed 17 July 2016).
- Peterson, D-. & Ndlovu, H. 2013. The management of personnel records for accountability, good governance and protection of human rights at the National University of Science and Technology in Zimbabwe. *Journal of the Society of South Africa Archivists* 46(2013):63–73. Available at: <https://www.ajol.info/index.php/jsasa/article/view/100089> (Accessed 15 May 2016).
- Phakathi, B. 2017. Fraud and chaos: the four universities keeping government awake at night. *Business Day*. Available at: www.businessdaylive.co.za (Accessed 15 January 2018).
- Pickover, M & Harris, V. 2001. *Freedom of Information in South Africa: A far off reality?* Johannesburg: SAHA. Available at: www.wits.ac.za/saha/publications/FOIP_1_4_PickoverHarris.pdf (Accessed 15 July 2017).
- Pietkiewicz, I & Smith, JA. 2014. A practical guide to using Interpretative Phenomenological Analysis in qualitative research psychology. *Psychological Journal* 20(1): 7-14. Available at: DOI:10.14691/CPJ.20.1.7 (Accessed 23 February 2017).

- Pigou, P. 2009. Accessing the records of the Truth and Conciliation Commission. In: Allan, K (editor). *Paper wars: Access to information in South Africa*. Johannesburg: WITS University Press.
- Poisson, M. & Hallak, J. 2006. Academic fraud, accreditation and quality assurance: learning from the past and challenges for the future. In: Higher Education in the World 2007. *Accreditation for quality assurance: What is at stake?* Barcelona: Global University Network for Innovation (GUNI).
- Pollecut, L. 2009. Unlocking South Africa's military archives. In: Allan, K. (Ed.). *Paper wars: Access to information in South Africa*. Johannesburg: Wits University Press.
- Post, LA. Raile, ANW. & Raile, ED. 2010. Defining political will. *Journal of Politics and Policy* 38(4):653–676. Available at: <https://doi.org/10.1111/j.1747-1346.2010.00253.x> (Accessed 17 July 2016).
- Pouris, A & Inglesi-Lotz R. 2014. The contribution of higher education institutions to the South African economy. *South African Journal of Science* 110(3/4):1–5. Available at: <https://doi.org/10.1590/sajs.2014/a0059> (Accessed 17 July 2016).
- Priest, M. 1998. The privatization of regulation: Five models of self-regulation. *Ottawa Law Review* 29(2):233–300. Available at: <http://commentary.canlii.org/canlii/1998canLiiDocs19> (Accessed 17 July 2016).
- Qutoshi, SB. 2018. Phenomenology: A philosophy and method of inquiry. *Journal of Education and Educational Development* 5(1):215–222. Available at: <http://journals.iobmresearch.com/index.php/JEED/index> (Accessed 23 march 2019).
- Ramotsho, K. 2017. Information regulator to ensure protection of personal information. *De Rebus*. Available at: www.derebus.org.za/information-regulator (Accessed 20 February 2018).
- Rehman, A & Alharthi, K. 2016. An introduction to research paradigms. *International Journal of Educational Investigations* 3(8):51–59. Available at: www.ijeonline.com/attachments/article/57/IJEI (Accessed 23 March 2017).

- Reif, LC. 2013. *The ombudsman, good governance and the international human rights*. New York: Springer.
- Relly, JE. 2011. Corruption, secrecy and access to information legislation in Africa: A cross-national study of political institutions. In: Maret, SL (ed.) *Research in Social Problems and Public Policy*. Bingley, UK: Emerald Group Publishing.
- Republic of South Africa. 1982. *The Protection of State Information Act No. 84 of 1982* (as amended). Pretoria: Government Printing.
- Republic of South Africa. 1996a. Constitution of the Republic of South Africa Act No. 108 of 1996. Pretoria: Government Printing.
- Republic of South Africa. 1996b. National Archives & Records Service Act No. 43 of 1996. Pretoria: Government Printing.
- Republic of South Africa (RSA). 2000. Promotion of Access to Information Act No. 2 of 2000. Pretoria: Government Printing.
- Resnik, DB. 2015. What is ethics in research and why it is important? National Institute of Environmental Health Sciences. Available at: <https://niehs.nih.gov/research/resources/bioethics/whatis/index.cfm> (Accessed 26 April 2016).
- Ritchie, J, Lewis, J, McNaughton-Nicholls & Ormston, R. 2013. *Qualitative research practice: A guide for social science students and researchers*. Thousand Oaks, CA: Sage.
- Roberts, A. 1998. *Limited access: Assessing the Health of Canada's Freedom of Information laws*. Freedom of Information Research Project, April 1998. School of Policy Studies, Queens University. Available at: <https://qsilver.queensu.ca/sps/> (Accessed 26 April 2016).
- Roberts, A. 2002. New strategies for enforcement of the access to information Act. *Queen's Law Journal* 27(Winter):647–683. Available at: <https://ssrn.com/abstract=1308893> (Accessed 15 May 2016).

- Roberts, A. 2010. A great and revolutionary law? The first four years of India's Right to Information Act. *Public Administration Review* 70(6):925–933. Available at: <https://www.jstor.org/stable/40927109> (Accessed 17 July 2016).
- Robertson, G. 2012. *Judicial independence: Some recent problems*. Available at: <https://griffithlawjournal.org/gjlhd/article/view> (Accessed 23 March 2017).
- Roling, S. 2007. Transparency and access to information in South Africa: An evaluation of the PAIA Act No.2 of 2000. Master's Dissertation. University of Cape Town, Cape Town.
- Rossmann, GB & Rallis, SF. 2016. *An introduction to qualitative research: Learning in the field*. Thousand Oaks, CA: Sage Publications.
- Rubin, HJ & Rubin, IS. 2012. *Qualitative interviewing: The art of hearing data*. Thousand Oaks, CA: Sage Publications.
- Rupiah, K. 2018. Read the damning SIU report on Gauteng Public health department corruption. *Mail & Guardian* 21 June. Available at: www.mg.co.za (Accessed 17 June 2018).
- Saldana, J. 2013. *The coding manual for qualitative researchers*. Thousand Oaks, CA: Sage Publications.
- Salgado, I. 2013. Data and democracy: Africa's access to information laws. *Africa Conflict Monthly Monitor* 2013(6):16–19. Available at: <https://journals.co.za/content/acmm/2013/06/EJC141859> (Accessed 15 May 2016).
- Sandu, A & Frunza, A. (eds.) 2017. *Ethical issues in social work practice*. Hershey, PA: IGI Global.
- Sangweni, S. 2007. *The Public Service Commission Report: Assessment on implementation of the Promotion of Access to Information Act in the public service*. Pretoria: Public Service Commission.

- Schneider, M. 2017. *Reforms to increase transparency in higher education. Testimony presented to the House Subcommittee on Higher Education 24 May 2017.* Available at: <https://www.air.org/resource/reforms-increase-transparency-higher-education/> (Accessed 23 February 2018).
- Schuessler, JH. 2009. General Deterrence Theory: Assessing information systems security effectiveness in large versus small businesses. Doctoral Dissertation. University of North Texas, Denton. Available at: https://digital.library.unt.edu/ark:/67531/metadc9829/m2/1/high_res_d/disertation.pdf (Accessed 15 May 2016).
- Schmidt, LK. 2014. *Understanding hermeneutics.* New York: Routledge.
- Schreier, M. 2018. *Sampling and generalization. Handbook of qualitative data collection.* London: Sage Publications.
- Sebina, P. 2006. *Freedom of information and records management: A learning curve for Botswana.* PhD Thesis. University College London, London. Available at: <https://discovery.ucl.ac.uk/id/eprint/1445052> (Accessed 20 June 2016).
- Serfontein, E & de Waal, E. 2015. The corruption bogey in South Africa: Is public education safe? *South African Journal of Education* 35(1):1-12. Available at: <http://www.sajournalofeducation.co.za> (Accessed 21 July 2016).
- Shariff, AF. 2015. Does religion increase moral behaviour? *Current Opinion in Psychology* 6:108-113. Available at: <https://doi.org/10.1016/j.copsyc.2015.07.009> (Accessed 23 July 2017).
- Shepherd, E. 2015. Freedom of Information, right to access information, open data: who is at the table? *The Round Table* 104(6):715–726. Available at: <https://doi.org/10.1080/00358533.2015.1112101> (Accessed 30 June 2016).
- Shepherd, E & Yeo, G. 2003. *Managing records: A handbook of principles and practice.* London: Facet Publishing.

- Shepherd, E, Stevenson, A & Flinn, A. 2010. Information governance, records management, and freedom of information: A study of local government authorities in England. *Government Information Quarterly* 27(4):337–345. Available at: <https://doi.org/10.1016/j.giq.2010.02.008> (Accessed 11 October 2016).
- Shepherd, E, Stevenson, A & Flinn, A. 2011. Records management in English local government: The effects of Freedom of Information. *Records Management Journal* 21(2):122–134. Available at: <https://doi.org/10.1108/09565691111152053> (Accessed 11 October 2016).
- Sifuna, DN. 2012. Leadership in Kenyan public universities and the challenges of autonomy and academic freedom: an overview of trends since independence. *JHEA/RESA* 10(1):121–137. Available at: https://www.codesria.org/IMG/pdf/6-JHEA_vol_10_1_2012_Sifuna.pdf (Accessed 10 August 2016).
- Smith, DW. 2013. *Husserl*. London: Routledge.
- Smith, DW. 2018. Phenomenology. The *Stanford Encyclopedia of Philosophy*. Available at: <https://plato.stanford.edu/archives/sum2018/entries/phenomenology> (Accessed 20 March 2019).
- Smith, J & Noble, H. 2016. Reviewing the literature. *Evidence Based Nursing* 19(1): 2-3. Available at: <https://ebn.bmj.com/10.1136/eb-2015-102252> (Accessed 23 March 2017).
- Smith, JA & Eatough, V. 2006. Interpretive phenomenological analysis. In: GM. Breakwell, S. Hammond, C. Fife-Schaw, & JA Smith (Eds.) *Research methods in psychology*. London: Sage Publications.
- Smith, JA & Osborn, M. 2008. Interpretive phenomenological analysis. In: JA. Smith (ed.) *Qualitative psychology: A practical guide to research methods*. London: Sage Publications.
- Smith, JA, Flowers, P & Larkin, M. 2009. *Interpretive phenomenological analysis: Theory, method and research*. Los Angeles, CA: Sage Publications.

- Snell, R. 1999. Administrative compliance and Freedom of Information in three jurisdictions: Australia, Canada and New Zealand. Available at: <https://www.ucc.ie/academic/law/foi/conference/snell99.html> (Accessed 10 August 2016).
- Snell, R. 2000. The Kiwi paradox: A comparison of Freedom of Information in Australia and New Zealand. *Federal Law Review* 28(3):575–616. Available at: <https://doi.org/10.22145/flr.28.3.8> (Accessed 17 July 2016).
- Snell, RD. 2001. Administrative compliance: Evaluating the effectiveness of freedom of information. *Freedom of Information Review* 10(93):26–32. Available at: www.austlii.edu.au/au/journals/FoIRw/2001/10.pdf (Accessed 10 August 2016).
- Snellman, CL. 2015. Ethics management: How to achieve ethical organizations and management. *Business Management and Education* 13(2):336–357. Available at: <https://doi.org/10.3846/bme.2015.244> (Accessed 17 July 2016).
- South African Broadcasting Corporation (SABC). 2018. Ramaphosa notes ANC commitment to free higher education. Available at: www.sabcnews.com (Accessed 12 July 2018).
- South African History Archives (SAHA). 2013. *A first for Africa: The African Commission on Human and People's Rights adopts a Model Law on Access to Information for Africa*. Available at: www.saha.org.za (Accessed 23 July 2016).
- South African History Archive (SAHA). 2016. Hashtag protest, hashtag suppression: university's interdict against students. Available at: <http://foip.saha.org.za/request>. (Accessed 19 April 2017).
- South African Human Rights Commission (SAHRC). 2001. *Understanding PAIA*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 23 April 2016).
- South African Human Rights Commission (SAHRC). 2012. *Annual report*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 23 April 2016).

- South African Human Rights Commission (SAHRC). 2014. *Guide on how to use the Promotion of Access to Information Act 2 of 2000*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 23 April 2016).
- South African Human Rights Commission (SAHRC). 2017. *Annual report*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 01 August 2018).
- South African Human Rights Commission (SAHRC). *PAIA annual report 2014-2015*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 01 August 2017).
- South African Human Rights Commission (SAHRC). *PAIA annual report 2016-2017*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 01 August 2018).
- South African Human Rights Commission (SAHRC). *PAIA annual report 2018-2019*. Johannesburg: SAHRC. Available at: www.sahrc.org.za (Accessed 21 December 2020).
- Statistics South Africa (STATSSA). 2015. *Annual report 2014-2015*. Available at: www.statssa.gov.za/wp-content/uploads/2015/10/Annual_Report_2015_Book_1.pdf (Accessed 18 July 2017).
- Stubbs, R. 2008. Freedom of information and democracy in Australia and beyond. *Australian Journal of Political Science* 43(4):667-684. Available at: <https://doi.org/10.1080/10361140802429270> (Accessed 17 July 2016).
- Stumpfegger, E. 2017. Trustworthiness of research. Available at: <https://www.munich-business-school.de/insights/en/2017/trustworthiness-of-research/> (Accessed 30 July 2018).
- Svard, P. 2011. Transforming public administration and challenges of information management. *Archives & Manuscripts* 39(2):94–117. Available at: <https://search.informit.com.au/fullText> (Accessed 17 July 2016).

- Sylvester, A, Tate, M & Johnstone, D. 2013. Beyond synthesis: Re-presenting heterogeneous research literature. *Behaviour and Information Technology* 32(12):1199–1215. Available at: <https://doi.org/10.1080/0144929X.2011.624633> (Accessed 17 July 2016).
- Tavernier, K. 2005. Relevance of strategic management for universities. *Tijdschrift Voor Economie en Management* 50(5):769–785. Available at: <https://core.ac.uk/download/pdf/6304691.pdf> (Accessed 17 July 2016).
- Taylor, A. 2015. Organizational culture in corrupt companies. *Corporate Compliance Insights* May 22. Available at: <http://www.corporatecomplianceinsights.com> (Accessed 15 April 2017).
- Temmerman, N. 2018. The importance of listening to stakeholders. *University World News* 13 April. Available at: www.universityworldnews.com (Accessed 20 July 2018).
- Thanh, NC & Thanh, TT. 2015. The interconnection between interpretive paradigm and qualitative methods in education. *American Journal of Educational Science* 1(2):24–27. Available at: <http://www.aiscience.org/journal/ajes> (Accessed 20 March 2019).
- Theodorou, P. 2015. *Husserl and Heidegger on reduction, primordality and the categorical*. London: Springer.
- Thomas, PG. 2010. *Advancing access to information principles through performance management mechanisms: The case of Canada*. Washington, DC: World Bank. Available at: <https://sitesources.worldbank.org> (Accessed 17 July 2016).
- Tierney, WG & Lanford, M. 2018. Institutional culture in higher education. In: Teixeira, P & Shin, JC (eds.) *Encyclopedia of international higher education systems and institutions*. Dordrecht: Springer. Available at: https://doi.org/10.1007/978-94-017-9553-1_593-1 (Accessed 20 March 2019).
- Torres, N. & Esquivel, NF. 2011. Access to information training approaches for government officials. Available at: www.palermo.edu/cele/pdf/noticias/Al-training-final.pdf (Accessed 23 July 2016).

- Trochim, WM, Donnelly, JP. & Arora, K. 2015. *Research methods: The essential knowledge base*. Boston: Cengage Learning.
- Turner, L. 2017. *Lack of political will hinders access to information regimes in Africa*. Available at: <http://www.globalintegrity.org/2010/03/post - 512/> (Accessed 15 June 2018).
- Tyler, TR. 1990. *Why people obey the law*. London: Yale University Press.
- United Nations (UN). 1946. *Resolutions adopted by the General Assembly during its first session*. Available at: www.un.org/documents/ga/res/1/ares1.htm (Accessed 17 July 2016).
- United Nations (UN). 1948. *Universal Declaration of Human Rights*. Available at: www.un.org/en/universal-declaration-human-rights/ (Accessed 17 July 2016).
- UNESCO. 1998. *World declaration on higher education for the 21st century: Vision and action*. Available at: www.unesdoc.unesco.org (Accessed 23 March 2017).
- Universities South Africa (USAf). 2016. *Universities funding in South Africa: A factsheet*. Available at: www.uct.ac.za/usr/news/downloads/2016/UniversitiesFundingSouthAfrica_FactSheet.pdf (Accessed 23 March 2017).
- Universities South Africa (USAf). 2017. *Public universities in South Africa*. Available at: www.usaf.ac.za/public-universities -in-south-africa/ (Accessed 23 January 2018).
- Vaismoradi, M, Jones, J, Turunen, H & Snelgrove, S. 2016. Theme development in qualitative content analysis and thematic analysis [online]. *Journal of Nursing Education & Practice* 6 (5) Available at: <http://jnep.sciedupress.com> (Accessed 6 November 2019).
- Van der Berg, S. 2017. Strengthening access to information institutions to promote a culture of transparency. *South African Journal on Human Rights* 33(2):167-192.
- Van Manen, M. 2016. *Phenomenology of practice: Meaning-giving methods in phenomenological research and writing*. New York: Routledge.

- Vance, A, Lowry, PB & Eggett, D. 2014. Using accountability to reduce access policy violations in information systems. *Journal of Management Information Systems* 29(4):263–289. Available at: <https://doi.org/10.2753/MIS0742-1222290410> (Accessed 17 July 2016).
- Vanclay, F, Baines, JT & Taylor, CN. 2013. Principles for ethical research involving humans: Ethical professional practice in impact assessment. Part 1. *Impact assessment and Project Appraisal* 31(4):243–353. Available at: <https://doi.org/10.1080/14615517.2013.850307> (Accessed 16 January 2019).
- Vidovich, L. 2018. Institutional accountability in higher education. In: Teixeira, P & Shin, JC (eds.) *Encyclopedia of international higher education systems and institutions*. Dordrecht: Springer. Available at: https://doi.org/10.1007/978-94-017-9553-1_593-1 (Accessed 20 March 2019).
- Vleugels, R. 2012 (ed.) *Overview of all freedom of information laws*. Available at: https://right2info.org/resources/publications/laws-1/ati-laws_fringe-special_roger-vleugels_2011-oct (Accessed 12 February 2016).
- Warnke, G. 2016 (ed.) *Inheriting Gadamer: New directions in philosophical hermeneutics*. Edinburgh: Edinburgh University Press.
- Westwood, S. 2015. Issa, Cummings re-introduce Freedom of Information reform in House. *Washington Examiner* 2 February 2015. Available at: <http://www.washingtonexaminer.com/issa-cummings-re-introduce-freedom-of-information-act-reform-in-house/article/2559680> (Accessed 17 July 2017).
- Wheeler, M. 2011. Martin Heidegger. *Stanford Encyclopedia of Philosophy*. Available at: <http://plato.stanford.edu/entries/heidegger> (Accessed 20 March 2019).
- White, R & Heckenberg, D. 2012. *Legislation, regulatory models and approaches to compliance and enforcement*. Available at: www.utas.edu.au/data/assets/pdf_file/0006/278007/Briefing_Paper_6_laws_Regulation_Enforcement.pdf (Accessed 16 May 2017).
- Whitman, ME & Mattord, HJ. 2018. *Principles of information security*. Boston, MA: Cengage Learning.

- Willmott-Harrop, E. 2001. *Human rights mechanisms and international law*. Available at: www.libertyandhumanity.com (Accessed 18 August 2016).
- Woodbury, M. 1995. Clinton, Reno, and Freedom of Information: From Waldheim to Whitewater. *Social Justice* 22(2):49–66. Available at: <https://www.jstor.org/stable/29766878> (Accessed 17 July 2016).
- World Bank. 2000. *Managing records as a basis for effective service delivery and public accountability in development: An introduction to core principles for staff of the World Bank and its partners*. Available at: <http://www.sitesources.worldbank.org> (Accessed 10 June 2016).
- World Bank. 2010. *Literature review and in-law indicators: Legal framework for establishing freedom of information*. Available at: <http://sitesources.worldbank.org> (Accessed 10 June 2016).
- World Bank. 2012. *Implementing right to information: A case study of the United Kingdom*. Available at: http://www.right2info.org/resources/publications/publications/wb_implementing-rti_2012 (Accessed 23 March 2017).
- World Bank. 2016. *What does good governance really mean in higher education*. Available at: <http://blogs.worldbank.org/governance/what-does-good-governance-mean-in-education> (Accessed 20 February 2017).
- World Economic Forum. 2014. *Global competitiveness report 2014-2015*. Geneva: World Economic Forum. Available at: www.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf (Accessed 3 May 2016).
- World Health Organization. 2015. *Guidance on good data and records management practices*. Geneva: World Health Organization.
- Worthy, B. 2016. *Access to information in the United Kingdom and India. Improving Public Policy in a Digital World (IMODEV)* Available at: <http://ojs.imodev.org/index.php/RIGO/article/view/18/90> (Accessed 3 September 2017).
- Worthy, B. 2017. *The politics of freedom of information: How and why governments pass laws that threaten their power*. London: Oxford University Press.

- Wright, T. 2013. Information culture in government organisations: Examining records management training and self-perceived competencies in compliance with a records management program. *Records Management Journal* 23(1):14–36. Available at: <https://doi.org/10.1108/09565691311325004> (Accessed on 23 July 2017).
- Wu, L & Wu, M. 2011. Employee dissatisfaction with organizational change: An empirical study of a technology service company. *African Journal of Business Management* 5(4):1304–1311. Available at: <https://doi.org/10.5897/AJBM10.819> (Accessed 17 July 2016).
- Yin, RK. 2015. *Qualitative research from start to finish*. New York: Guilford Publications.
- Young-Powell, A. 2015. University of Sussex to offer apology and compensation to student protestors. *The Guardian*. Available at: www.theguardian.com (Accessed 17 July 2016).
- Yorkshire Post*. 2015. Freedom of Information: A democratic freedom, or a hindrance to government? Available at: www.yorkshirepost.co.uk/news (Accessed 15 July 2016).
- Yuba, M. 2013. The role of national archives and records service of South Africa in the young democracy. Masters Dissertation. University of the Witwatersrand, Johannesburg.
- Zahavi, D. 2017. *Husserl's legacy: Phenomenology, metaphysics and transcendental philosophy*. Oxford: Oxford University Press.
- Zezeza, PT. 2016. *The transformation of global higher education 1945-2015*. New York: Palgrave Macmillan.
- Zepeda, SJ, Mayers, RS & Benson, BN. 2013. *The call to teacher leadership*. New York: Routledge.
- Zimela, Z. 2017. WITS University rocked by another sex scandal. *Destiny Magazine*. 26 January. Available at: www.destinyconnect.com (Accessed 23 June 2017).

Zimmerman, J. 2015. *Hermeneutics: A very short introduction*. Oxford: Oxford University Press.

Appendix 1: Research ethics clearance certificate

UNISA

COLLEGE OF HUMAN SCIENCES RESEARCH ETHICS REVIEW COMMITTEE

20 March 2019

Dear Angelina Mazibuko

NHREC Registration #: Rec-240516-052
CREC Reference: 2019-CHS-0246
Name: Angelina Mazibuko
Student #: 58526307

Decision: Ethics Approval from 20 March 2019 to 19 March 2024.

Researcher(s): Ms. Angelina Mazibuko
Supervisor (s): Dr A. Rodrigues & Dr Isabel Schellnack-Kelly
Department of Information Science
(012) 429-6568/6936

Research Title

Universities and the promotion of access to information act: a comparative study of public universities in Gauteng province, South Africa.


Qualification: PhD (Information Science)

College of Human Science ethics chairperson hereby acknowledge your application for Research Ethics Certificate; approval is granted for five years

The medium risk application was reviewed by a sub committee of URERC on 27 February 2019 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.

The proposed research may now commence with the provisions that:

1. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics



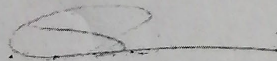
University of South Africa
Priller Street Muckleneuk Ridge, City of Tshwane
PO Box 392 UNISA 0003 South Africa
Telephone +27 12 429 3111 Facsimile +27 12 429 4150
www.unisa.ac.za

2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CHS Research Ethics Committee.
3. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing accompanied by a progress report.
5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data require additional ethics clearance.
7. No fieldwork activities may continue after the expiry date (19 March 2024). Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note: The reference number 2018-CHS-0246 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,

Signature

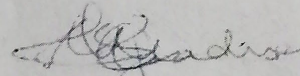


CREC Chair

Dr Suryakanthie Chetty

Chetts@unisa.ac.za

0124296267



Executive Dean, CHS

Prof. AP Phillips

Phillao@unisa.ac.za

0124296825

URERC 25.04.17 - Decision template (V2)- Approve

University of South Africa
Priller Street, Mucklenecks Ridge, City of Tshwane
PO Box 395, UNISA 0003 South Africa
Telephone +27 12 429 3113 Facsimile +27 12 429 3150
www.unisa.ac.za

Appendix 2: Request to collect data.

From: Tshepang Sebelela <tsebelela@sahrc.org.za>
Sent: Thursday, September 26, 2019 9:57 AM
To: Lindi Mazibuko <lindim@vut.ac.za>
Subject: FW: REQUEST TO COLLECT DATA

Dear Lindi

I hope you are well. I am the compliance officer in PAIA, I may be able to assist you. When would you like to have a chat? I have some Section 32 and Section 14 reports in my office, please note that the compliance levels are still low in public institutions including universities but I will share the once that we have received.

Regards

From: Lindi Mazibuko [mailto:lindim@vut.ac.za]
Sent: Wednesday, September 25, 2019 5:32 PM
To: Judy Hollenbach <jhollenbach@sahrc.org.za>
Subject: REQUEST TO COLLECT DATA

Dear Sir,

Good afternoon.

I am a PhD student at UNISA. My thesis is on PAIA compliance in public universities. The purpose of my study is to determine factors influencing compliance/non-compliance with sections 14, 15, 17 & 32 of PAIA; with a view to developing a model to help public universities to comply fully with PAIA.

Since SAHRC is the legal custodian of PAIA, I humbly request your permission to analyse section 14 manuals and section 32 reports (latest reports) submitted to you by the six public universities in Gauteng province.

Subsequently, I am pleading the highest authority of PAIA- SAHRC to permit me to conduct a brief interview with PAIA officer(s) to help me to have clarity on any issues arising from the document analysis resulting to non-compliance.

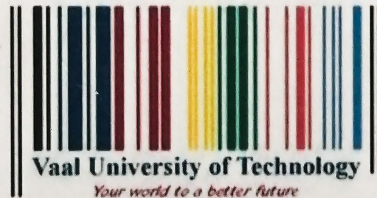
This process will take no more than 60 minutes.

I will earnestly appreciate your support because it will contribute to the success of my project.

Thank you.

Yours sincerely,

Angelina Mazibuko.



Lindi Mazibuko
Deputy Registrar:
Records and Archives Department
t +27 (0)16 950 9345
f +27 (0)16 950 9812

From: Tshepang Sebulela <tsebulela@sahrc.org.za>
Sent: Thursday, September 26, 2019 1:34 PM
To: Lindi Mazibuko <lindim@vut.ac.za>
Subject: RE: REQUEST TO COLLECT DATA

Dear Lindi

Tuesday 10H00 works for me.

Regards

From: Lindi Mazibuko [<mailto:lindim@vut.ac.za>]
Sent: Thursday, September 26, 2019 11:10 AM
To: Tshepang Sebulela <tsebulela@sahrc.org.za>
Subject: RE: REQUEST TO COLLECT DATA

Dear Tshepang,

Good morning.

How are you? I hope you are well.

Thank you for your positive response. I would like to come on Tuesday 1 October, 2019 at 10:00am.

Please, let me know if the date and time are suitable for you.

Thank you once more.

Kindest regards,

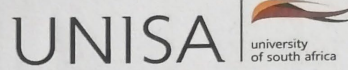
Angelina "Lindi" Mazibuko.



Lindi Mazibuko
Deputy Registrar:
Records and Archives Department
t +27 (0)16 950 9345
f +27 (0)16 950 9812
e lindim@vut.ac.za
w www.vut.ac.za

Vanderbijlpark Campus
Private Bag X021 - Vanderbijlpark - 1911 - Andries Potgieter Blvd - South Africa
Tel: +27(0)16 950 9000 - Fax: +27(0)16 950 9999

Appendix 3: Letter of consent.



CONSENT TO PARTICIPATE IN THIS STUDY

I, T.C. Sebulela (participant name), confirm that the person asking my consent to take part in this research has told me about the nature, procedure, potential benefits and anticipated inconvenience of participation.

I have read (or had explained to me) and understood the study as explained in the information sheet.

I have had enough opportunity to ask questions and am prepared to participate in the study.

I understand that my participation is voluntary and that my continued participation till the end of the study will ensure data integrity and the validity of the results.

I am aware that the findings of this study will be processed into a research report, journal publications and/or conference proceedings, but that my participation will be kept confidential unless otherwise specified.

I agree to the recording of the interviews to ensure accuracy of data collected.

I have received a signed copy of the informed consent agreement.

Participant Name & Surname : T. Sebulela

Participant Signature: [Signature] Date 10/01/19

Researcher's Name & Surname: Angelina Mazibuko

Researcher's signature... [Signature] Date 01 Oct. 2019



University of South Africa
Preller Street, Muckleneuk Ridge, City of Tshwane
PO Box 392 UNISA 0003 South Africa
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150

Appendix 4: Interview Guide

INTERVIEW GUIDE

Please answer the following questions honestly. The data collected will help to develop solutions to the problem of non-compliance with PAIA in South African universities. You do not need to provide your identity. The researcher undertakes to maintain anonymity with the research findings and final report.

SECTION A: DEMOGRAPHIC INFORMATION

A1. Gender (Please tick “✓” in the correct box).

- Male
- Female

A2. Ethnicity (Please, tick “✓” in the correct box or write answer).

- Black
- Asian
- Coloured
- Caucasian

- Other (Please specify)
-

A3. Employment Position (Please tick “✓” in the box that describes your position)

- Information Officer (IO)
 - Deputy Information Officer (DIO)
 - Other (Please specify)-
-

A4. Which institution do you work for, as seen below? **(Please tick “✓” in the correct box)**

• University

• SAHRC

• Other (Please specify) -

**SECTION B: PAIA IMPLEMENTATION AND COMPLIANCE
SECTIONS 14; 15; 17 & 32**

B1. Please describe your role and responsibilities as the compliance officer for PAIA.

.....
.....
.....

B2. Do you think it is a difficult task to compile the section 14 manual? Please explain.

.....
.....
.....
.....

B3. Name three things you look for, to conclude that the section 14 manual is complete or incomplete.

i).....

.....

ii).....

.....

iii).....

B4. What are the reasons put forward by public universities for not completing the compilation of section 14 manuals?

.....
.....
.....

B5. Do you believe that DIOs in public universities know and understand their responsibilities toward PAIA?

(Please tick “✓” in the correct box)

Yes

No

Please explain.

.....
.....

B6. What formal training have you provided to the DIOs in these universities, to increase their knowledge and understanding of PAIA?

.....
.....
.....

B7. Do you believe it is easy to compile the section 15 “notice”?

(Please tick “✓” in the correct box)

Yes

No

Please explain your answer above.

.....
.....
.....

B8. What is your experience dealing with section 32 reports from the six public universities in Gauteng province?

.....
.....
.....

B9. What are the reasons put forward by some of these universities for not complying with PAIA?

.....
.....
.....

B10. Do you believe that the SAHRC has succeeded in promoting PAIA in public universities in Gauteng province?

(Please tick “✓” in the correct box)

Yes

No

Please explain your answer above.

.....
.....
.....
.....
.....
.....

B11. Do you believe that public universities in Gauteng province are committed to transparency as promoted by PAIA? **Please explain.**

.....
.....

B12. What is the way forward?

.....
.....

The End.

Thank you for your immense contribution towards this research.

Have a wonderful & blissful moment.

Appendix 5: Interview transcript.

INTERVIEW TRANSCRIPT

12/10/2019

RESEARCHER:

Good morning Sir. Thank you for allowing me to come and collect my research data from the South African Human Rights Commission (SAHRC). I am humbled and privileged to interview the legal custodians of PAIA. The meeting today will be twofold: Firstly, I will conduct a brief interview with you. Secondly, I will review documents in your possession such as the section 14 manuals and section 32 reports, if you have any available. I do have a checklist to help me analyse the documents. Before we commence with the interview, please read the "Participant Information Sheet" as well as the "Letter of Consent" to participate in the interview. This interview will not take more than 60 minutes of your time.

PARTICIPANT:

Good morning Ms. Mazibuko. I am happy to assist you with your research.

Pause...I have read the participant Information Sheet...

Here... is the "Consent Form"...signed and dated.

RESEARCHER:

Thank you, Sir. Please, confirm your gender. Is it male or female?

PARTICIPANT:

Male

RESEARCHER:

Please confirm your ethnicity. Are you Black, white, coloured, Indian or other?

PARTICIPANT:

Black.

RESEARCHER:

Please confirm your employment position. Are you the Information Officer, Deputy Information Officer or "other"? If, the answer is "other", please specify your designation.

PARTICIPANT:

Other. I am the compliance officer for PAIA.

RESEARCHER:

Thank you. At which institution do you work? Is it a university, the SAHRC or other?

PARTICIPANT:

I work for the South African Human Rights Commission (SAHRC).

RESEARCHER:

Thank you, Sir. We are done with demographic details, now we will focus on PAIA implementation and compliance with sections 14; 15; 17 and 32. Okay... Please describe your role and responsibilities as the compliance officer for PAIA.

PARTICIPANT:

My role is to monitor compliance with PAIA in both the public and private sector. I also deal with inquiries related to PAIA. The inquiries we normally receive are either telephonical, others are by email. Recently, I received a call from the University of Mpumalanga. They said, "We do not know anything about PAIA, but we want to comply. Please come and help us". Therefore, I personally went there to conduct training and help them to compile the section 14 manual. My duties also include compiling monthly and annual reports on PAIA. I also compile and present the PAIA Annual Report to parliament. I review and acknowledge the section 14 manuals, section 32 and section 51 reports received from public and private organisations. I do conduct training to any organisation that makes the request. However, lately, our training is minimal due to budget constraints. But, maybe, it was too soon for us to scale down on training... I also submit section 15 lists to the Department of Justice & Constitutional Development because other public bodies submit these lists to the SAHRC. I also submit to parliament recommendations related to the PAIA ACT.

RESEARCHER:

Thank you, Sir. You mentioned that the University of Mpumalanga called you... Does this mean the SAHRC has no office in that province?

PARTICIPANT:

No, we do not.

RESEARCHER:

Thank you. You said one of your responsibilities is to monitor compliance with PAIA in public bodies. Please explain how you do that.

PARTICIPANT:

Yes, I do monitor compliance with PAIA in both public and private organisations. Monitoring compliance is limited to the submission by public bodies of their section 32 reports. I normally receive, at the end of each year, section 32 reports from different government departments or public bodies.. I use the information provided in the reports to compile the PAIA Annual Report for submission to parliament.

I base the decision about compliance or non-compliance with PAIA, on the submission of the section 32 reports. Public bodies who do not submit the section 32 reports are non-compliant with PAIA.

RESEARCHER:

Therefore, you do not know the state of PAIA in terms of sections 14, 15 and 17 in these public universities of the Gauteng province.

PARTICIPANT:

Unfortunately, I do not go out to institutions to look at their state of PAIA to determine whether they comply or do not comply with specific provisions of the Act.

RESEARCHER:

I thought you would be more concerned with section 14 of PAIA, which enables access to information held by public bodies and carries a sanction for non-compliance, rather than section 32.

PARTICIPANT

Unfortunately, not. The Commission is more concerned with access to information...like, how many people were able to access information held by a public body? Therefore, that makes section 32 more appropriate.

RESEARCHER:

So, you do not monitor whether the public university has an approved manual or not?

PARTICIPANT:

No, no, no we do not. **We assume** that all universities have the manual because it is easy to compile the section 14 manual. Fortunately, or unfortunately we concern ourselves with access to information. We want to establish whether the public can access information held by the public bodies. Hence, our focus is on section 32 reports.

RESEARCHER:

So, how do you determine compliance/non-compliance with PAIA?

PARTICIPANT:

We use section 32. The public bodies that submit the section 32 reports are compliant but those that do not submit are non-compliant.

RESEARCHER:

Do you take into consideration the amount of information provided in the section 32 report to say the report is compliant or non-compliant?

PARTICIPANT:

No, no, no we do not. We work with the information we receive, however, scant.

RESEARCHER:

Do you believe that the public universities in Gauteng province are honest in their reporting in terms of section 32 of PAIA? Please explain.

PARTICIPANT:

No, not at all (laughing)... because some students do come to the Commission to complain that their institutions are refusing to give them the information they requested. They accuse the universities of lack of transformation. We have many cases where the Commission had to intervene on behalf of students to resolve these matters. Nevertheless, you do not see that reported in their annual reports. In fact, most of them do not bother to file their reports.

RESEARCHER:

Describe your experience dealing with section 14 manuals from the six public universities in Gauteng province.

PARTICIPANT:

I normally receive manuals for review from different organisations. I make my comments and send them back to the respective organisations to make the necessary corrections. It is difficult for me to say "yes" I do recall working on the manuals from the six universities because we do not have a central repository to keep electronic or paper copies of approved manuals. However, we can check the websites of these six universities to determine whether they have or do not have the manual. Remember, the ACT requires these institutions to publish the section 14 manuals on their websites to enable the public to access information. If they do, you will find that most of them are not up to date. PAIA requires that the manual should be up-dated annually but I doubt if most of them are doing that. Moreover, it is not just the universities but also the public sector in general.

RESEARCHER:

Do you think compiling the section 14 manual is a difficult task?

PARTICIPANT:

No, not at all (shocked). The SAHRC provides the notes and support to any organisation that request it. The template is available on our website and is straightforward and very easy to use. Some Deputy Information Officers (DIO) compile the manual themselves using the template and submit to the SAHRC for comment. Once reviewed by the SAHRC, the manual is sent back to the DIO to make the necessary corrections. No, I do not think it is difficult (shaking his head and smiling).

RESEARCHER:

How long do you think it should take to compile the section 14 manual for a university?

PARTICIPANT:

3 - 4 days, maybe a week. That is, if the DIO has all the information required to complete the manual. Sometimes, the completion of the Manual delays because the DIO does not get the support and cooperation he/she needs from other business units within the public body. For instance, section 14 requires that the public body should list categories of records in their custody, including the list of records that

are readily available to the public. When the business units who create and receive these records, refuse to provide the required information, this delays the completion and publication of the manual. Some DIOs do not get the support they need from the head of the public body, who is their Information Officer (IO). They know we offer training in PAIA, but most IOs do not request the training. Since they do not know or understand PAIA, they are unable to support it.

RESEARCHER:

What shall we do to improve the situation?

PARTICIPANT:

We need stringent measures to hold people accountable for their actions. Although PAIA states it categorically that it is an offence not to comply with section 14, the Commission has no authority to enforce the law.

RESEARCHER:

Thank you, Sir. What do you look for to conclude that the manual is complete or incomplete? Mention at least three things.

PARTICIPANT:

The contact details of the Information Officer (IO) and Deputy Information Officer (DIO) are very important to improve access to information for the public. In addition, the public body should attach the "request form" to the section 14 manual. Sometimes, institutions submit the request form as a separate document from the manual. Another thing that I look for is the prescribed fees. The fourth, most important thing is the "section 15 notice". I know you asked for three things and I am giving you four because all four are important for me to decide whether the manual is complete or incomplete (smiling).

RESEARCHER:

Why is section 15 very important to the Commission?

PARTICIPANT:

Section 15 promotes transparency and access to information in the public body. Therefore, publishing it is depended on the culture of recordkeeping in the public body. If the public body has a good system for managing its records, it will be able to compile the section 15 notice. Section 15 enables the public, to access records without the hassle of filling in a form and waiting long for the response.

RESEARCHER:

Thank you, Sir. What are the reasons put forward by these universities for failing to provide completed manuals?

PARTICIPANT:

The most common excuse is, "I don't know how to compile the manual". Other reasons are "I am new in this position". Sometimes universities submit the manual and "section 15 notice" separately and say, "I did submit the notice, please find it". I believe that university management do not take access to information seriously. Some DIOs say they do not get

the cooperation from the Registrar, who controls major administrative units that generate records within the university. Lack of cooperation affects the compilation of the lists of records held by the university, in the end; this affects the completion of the manual.

RESEARCHER:

Thank you, Sir. Initially, you said you do provide notes, guidance and assistance in compiling the manual. Therefore, how can these universities claim they do not know or understand PAIA?

PARTICIPANT:

Yes, the template is on our website. However, we provide guidance, assistance and training to those that request it. The Commission does not go out looking for public bodies that need assistance. Institutions come to the Commission with different requests regarding PAIA. In the case of universities, most of them know about PAIA, but some do not. For instance, recently the University of Mpumalanga phoned the Commission saying they do not know or understand PAIA and requested training in PAIA as well as assistance in compiling the section 14 manual. I, personally went there to train and assist them with the manual.

RESEARCHER:

Do you believe DIOs in the six public universities in Gauteng province know and understand their responsibilities toward PAIA?

PARTICIPANT:

It is in not only the public universities, but also the public sector in general where there is no political will to implement and comply with PAIA. These public bodies have not invested enough on access to information as a human right. Some universities do not appoint DIOs. The ACT is clear that the Information Officer of a public body must designate a person or persons to be DIO(s). The designation should be in writing, with both the IO and DIO signing it. The designation should describe the responsibilities of the DIO clearly. Yet, to date we still find that some public bodies do not have a designated DIO.

RESEARCHER:

Therefore, you believe that most DIOs do not know or understand PAIA and their responsibilities toward it.

PARTICIPANT:

Yes, DIOs do not understand PAIA processes. Hence, they do not provide information requested by members of the public.

RESEARCHER:

Thank you. You mentioned that university management has not invested enough in PAIA; why do you say that?

PARTICIPANT:

In most universities, management do not want to change the way they do things. Unless, they are forced to do so. We have many

instances where students come to the Commission to complain about the lack of transformation or lack of access to information in their institutions. It is only after the intervention of the Commission that the matter is resolved.

RESEARCHER:

Thank you, Sir. What programs do you have to help increase PAIA awareness in public universities?

PARTICIPANT:

We have a forum for DIOs that meets annually at the SAHRC. We have booklets and flyers available to the public. When we do not receive requests for training or information from the public bodies, we assume that they know and understand PAIA. Therefore, the numbers should speak for themselves. If numbers are not there for us to analyse, there is a problem. It means the public bodies are not interested in PAIA.

RESEARCHER:

Of the six public universities in Gauteng province, which ones have requested training from the Commission?

PARTICIPANT:

None of them. Instead, the most recent request received is from Mpumalanga province. I know you are interested in Gauteng province, but I do not have any recollection or record of training conducted in any one of the six public universities in Gauteng province. Moreover, the Commission does not have a central repository to enable me to check records that came before my time at the SAHRC. Well, some public universities know and understand PAIA and they are consistent in submitting section 32 reports. Therefore, they do not need training. This means they know and understand PAIA even though they did not request the Commission for training. We measure understanding or the lack of understanding of PAIA by the number of requests we receive for training. When we receive a request for training, we see that the interest and the will is there. However, if a public body does not request training, we assume that they know about PAIA.

The newly appointed Information Regulator will soon take over PAIA. The Commission has recently (2019) downscaled training. Therefore, we are doing minimal training lately. According to my knowledge, the six public universities in Gauteng did not request any training in PAIA.

RESEARCHER:

Thank you, Sir. Do you believe that the SAHRC has succeeded in promoting PAIA in public universities in South Africa?

PARTICIPANT:

Not to an extent. Due to financial constraints, training has suffered, public awareness campaigns have also suffered. In terms of compliance, the Commission has provided easily accessible information and guidance to help public bodies comply with PAIA. The Commission continues to do collaborative work related to PAIA with various stakeholders. The most recent work done was with the University of Pretoria during

the “right to know” celebrations of 2019. I believe we can do more to raise awareness of PAIA in public universities. Sadly, public awareness of PAIA is a big problem... (Shaking his head).

RESEARCHER:

What is your experience dealing with section 32 reports from the six public universities in Gauteng province?

PARTICIPANT:

Compliance with section 32 is very low across the public sector. This includes Chapter 9 & 10 institutions. Remember that Chapter 9 & 10 institutions have a constitutional mandate to support democracy by holding others to account for breaching various constitutional principles and rights. Nevertheless, they themselves do not comply with PAIA: Only the SAHRC, The Office of the Auditor General and the Public Service Commission complied with PAIA in the financial year 2018/2019. Sadly, the Office of the Public Protector does not comply. For the financial years: 2015/2016; 2017/2018; 2019/2020, combined reports indicate that among public universities in Gauteng province, only one university is consistently compliant. Unlike section 14 where non-compliance is a criminal offence, punishable with a fine or imprisonment, non-compliance with section 32 is not an offence.

RESEARCHER:

You mentioned one university, what about the other five public universities in Gauteng province?

PARTICIPANT:

No, no, no, they do not comply with PAIA.

RESEARCHER:

Is the Commission considering approaching the public universities who do not comply to get their individual explanations why they do not comply with PAIA?

PARTICIPANT:

The Commission has started to approach the municipalities. They have written letters to the Information Officers of the respective municipalities, but the response is seriously low due to lack of political will. We may not get to the point of approaching the universities since the Regulator will be taking over PAIA soon. Oh! We cannot wait to hand over PAIA to the Regulator and, you know, they are sharing the same building with us. It will be very easy to transfer everything related to PAIA to them (laughing).

RESEARCHER:

Why do you want to get rid of PAIA?

PARTICIPANT:

The SAHRC has no teeth to bite. Hence, the levels of compliance with PAIA are very low. However, the Office of the Regulator has teeth. We want to see the Regulator holding those who do not comply, accountable for their actions.

RESEARCHER:

Do you believe that the six public universities in Gauteng province are committed to transparency?

PARTICIPANT:

I do not think so. Based on complaints that the Commission regularly receive from some of their students. Students claim that when they request information from their respective universities, they get inaccurate information or no response. We know some of these cases because the Commission was involved with them.

RESEARCHER:

What is the way forward?

PARTICIPANT:

Government should amend the PAIA legislation. We have informed parliament to reform the ACT. We need more stringent laws to enforce PAIA. The office of the Regulator through their "Enforcement Committee" headed by a judge should hold both public and private bodies accountable. Once the regulator takes over PAIA, there will be dual training for stakeholders and officials. PAIA law clinics will be implemented. The definitions in the ACT should be clarified. More clarity is required on access fees, and the ACT itself should be re-looked at.

RESEARCHER:

Thank you, Sir. This is the end of our interview. If you have documents received from the six public universities related to PAIA sections 14 & 32, please let me have them or email me copies on this address: lindim@vut.ac.za.

I will also consult the websites of each public university in Gauteng province to conduct reviews of the section 14 manual.

Thank you once more. I will keep you informed of the progress. I will also call you or write for clarity on any issues related to the interview.

THE END.

Appendix 6: Document review checklist

	University						Positive response
	C	B	E	D	A	F	
Does the university have an information manual?	X	√	X	√	√	√	4/6
Did the university publish the information manual on their website?	X	√	X	√	√	√	4/6
Did the university translate the manual into three official languages spoken in South Africa?	X	√	X	X	√	X	2/6
Did the university publish the contact details for the information officer?	X	√	X	√	√	√	4/6
Is the information manual updated?	X	√	X	X	√	X	2/6
Did the university publish the list of records that are automatically available to the public?	X	√	X	X	√	√	3/6
Did the university appoint and publish the contact details of the deputy information officer?	X	√	X	√	√	√	4/6
Did these universities submit their 2018 annual report to SAHRC?	X	X	X	X	√	X	1/6
Do you have copies of the latest section 32 reports submitted by these universities?	X	X	X	X	√	X	1/6
Institutional summary response	0/9	7/9	0/9	4/9	9/9	5/9	25/54

Appendix 7: Editors letter confirming language editing

Alexa Barnby
Language Specialist

Editing, copywriting, indexing, formatting, translation

BA Hons Translation Studies; APÉd (SATI) Accredited Professional Text Editor, SATI

Mobile: 071 872 1334

Tel: 012 361 6347

alexabarnby@gmail.com

30 September 2020

To whom it may concern

This is to certify that I, Alexa Kirsten Barnby, an English editor accredited by the South African Translators' Institute, have edited the doctoral thesis titled "Universities and the Promotion of Access to Information Act in South Africa: A comparative study of public universities in Gauteng province" by Angelina Mazibuko.

The onus is on the author, however, to make the changes and address the comments made.

