

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

W J CLAASE AND THE INFORMATION OFFICER OF SOUTH AFRICAN AIRWAYS (PTY) LIMITED CASE NO 39/2006

From: The Registrar, Supreme Court of Appeal
Date: 30 November 2006
Status: Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

A retired airline pilot who as part of his retirement package was entitled to two free business class tickets on SAA's international flights was denied a booking on SAA's flight 204 from New York to Johannesburg on 14 August 2004. He was told there was only one seat available in business class and one in economy class. He maintained that when he sought to make a reservation there were seats available but SAA had instead of allocating two to him, upgraded economy class passengers. He refused to accept the seats offered and only flew out the next day. He requested SAA records of the flight when he returned to South Africa as he intended suing SAA for damages. He claimed he was entitled to the records in terms of the Promotion of Access to Information Act of 2000. SAA refused to give him the records and he unsuccessfully sought an order against it

in the Pretoria High Court. He appealed to the SCA who found he was entitled to the record. The court made a punitive order of costs against SAA to mark its displeasure with SAA's conduct.

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