

Sars welcomes ConCourt taxpayer information ruling

South African Revenue Service (Sars) Commissioner, Edward Kieswetter, has welcomed the unanimous judgment of the Constitutional Court confirming the revenue collector's right to withhold taxpayer information.



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The position was confirmed in the matter of Public Protector Busisiwe Mkhwebane against the Commissioner and others.

In a statement, Kieswetter said the case was about the fundamental principle that taxpayer information is confidential, and a sacrosanct Sars pillar in its quest to achieve voluntary compliance.

“Every taxpayer must have the confidence that Sars will fight to protect this right without fear, favour or prejudice,” Kieswetter said.

He said there was a strict duty on Sars to preserve and protect taxpayer confidentiality.

This case, he said, “has never been about defying the Public Protector, nor about protecting the interest of any particular

taxpayer.”

“Every taxpayer is equal before the law, and Sars has the duty to protect taxpayer confidentiality, irrespective of their position in society, and apply the law evenly regardless of the persons involved,” Kieswetter said.

The Constitutional Court judgment “firmly confirms” the confidentiality of taxpayer information, as contained in the Tax Administration Act of 2011, said Sars in the statement.

“This confirms my position to resist the Public Protector’s subpoena to access taxpayer information. I welcome the Constitutional Court’s judgment, as it provides the clarity on this important principle of taxpayer confidentiality. This was the substantive aspect of the [declaration] we sought from the courts in the first place,” said the Commissioner.

Sars, he emphasised, also respects the other conclusions contained in the Court’s judgment.

Sars also acknowledged remarks by Justice Mbuyiseli Madlanga that the Public Protector’s Office “is an important cog in our constitutionalism” and that the efficacy of the Office must be preserved for posterity.

Kieswetter, in this respect, accepted and endorsed the Constitutional duty of every organ of State, including Sars, to assist and promote the functions of the Office of the Public Protector.

“We are committed to contribute to a well-functioning democracy,” he said.

Meanwhile, in light of the country experiencing a second wave of infection of the Covid-19, the revenue collector has implored taxpayers to minimise visits to its offices and preferably engage with Sars through electronic channels such as eFiling, the Sars MobiApp, the website www.sars.gov.za and the Sars Online Query System.

“This will help to protect both taxpayers and Sars staff while ensuring that we all observe Covid-19 protocols and regulations,” Sars said.

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