
GENERAL NOTICE

NOTICE 197 OF 2010

State Security Agency

EXPLANATORY SUMMARY ON THE PROTECTION OF INFORMATION BILL, 2009

The Minister of State Security intends to introduce the Protection of information Bill, 2009 in the National Assembly. The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the National Assembly.

The Bill has been drafted to achieve the following, amongst others:

- (a) create a statutory framework for the protection of State information. State information is information generated by organs of State or is in the possession or control of organs of State;
- (b) set out criteria and processes in terms of which State information may be protected from destruction or from unlawful disclosure;
- (c) set out criteria and processes in terms of which information which is protected from disclosure and which is classified, may be declassified;
- (d) create offences and proposed sentences for unlawful disclosure of information, including the crime of espionage;
- (e) make it an offence for an individual to knowingly supply false information to the national intelligence structures;
- (f) establish guidelines for the treatment by courts of classified documents;
- (g) provide for the Minister of State Security to issue regulations on information security across government; and
- (h) repeal the existing Protection of Information Act (Act No. 84 of 1982).

Copies of the Bill as certified by the State Law Advisor can be obtained from:

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REPUBLIC OF SOUTH AFRICA

PROTECTION OF INFORMATION BILL

*[As introduced in the National Assembly (proposed section 75); explanatory summary
of Bill published in Government Gazette No. 32999 of 5 March 2010]
(The English text is the official text of the Bill)*

(MINISTER OF STATE SECURITY)

BILL

To provide for the protection of certain information from destruction, loss or unlawful disclosure; to regulate the manner in which information may be protected; to repeal the Protection of Information Act, 1982; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING the importance of information to the national security, territorial integrity and well-being of the Republic;

ACKNOWLEDGING the harm of excessive secrecy;

AFFIRMING the constitutional framework for the protection and regulation of access to information;

DESIRING to put the protection of information within a transparent and sustainable legislative framework;

AIMING to promote the free flow of information within an open and democratic society without compromising the security of the Republic,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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