

NEWS FROM:



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Protection of Information Bill deserves academic scrutiny

Statement by Dr Max Price, Vice-Chancellor of the University of Cape Town

The Protection of Information Bill touches on issues central to the functioning of a democratic society, such as security, government accountability, media freedom and responsibility. It is a debate in which the university *must* intervene because the consequences of restricted access to information impinge profoundly on the university's ability to do research and analyse public policy. Furthermore, the university is one of the foundation institutions in society that can and should speak truth to power being protected by the constitution as far as academic freedom is concerned, and given its mandate to debating ideas, ideologies and knowledge. This statement is therefore issued on behalf of the University of Cape Town.

The key function of this Bill should be to ensure a balance between the country's security interests and the full protection of the rights of the public to knowledge and access to information, as enshrined in the Constitution. The stated objectives of the Bill are to introduce a new dispensation that is consistent with the South African Constitution. This would represent a move away from apartheid-style secrecy and must be supported, as must the provision in the Bill to repeal the Protection of Information Act of 1982.

However, the Bill cannot be supported in its present form. Concerns about the Bill include:

- Key provisions that are overly broad and vague.
- The basis for classifying material as "confidential", "secret" and "top secret" has the potential to undermine transparency and accountability.
- The provision to regulate commercial contracts entered into by government departments and state-owned enterprises could have unintended consequences if it is not curbed.
- The lack of alignment with the objectives of the Protected Disclosure Act (Act 26 of 2000), the Promotion to Access to Information Act (Act 2 of 2000) and the Companies Act (Act 71 of 2008 Section 159) may erode the gains made in the arena of access to information by making it harder to gain information and harder for

whistle blowers to disclose information about irregularities, corruption and illegalities within governments, state-owned enterprises and private companies.

- Review and appeal mechanisms seem to be inadequate.
- Powers to delegate authority to classify information are overly wide.
- There are inadequate mechanisms to counter abuse.

We therefore appeal to the Government to redraft the bill, taking the above into account, and indicate our intention to oppose it vigorously if these objections are not addressed.

ENDS

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