

# Secrecy Bill: some concessions but struggle continues

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South African civil society's struggle to bring the controversial [Protection of Information Bill](#) - aka [Secrecy Bill](#) - in line with constitutional requirements continues, amid some concessions made by the ANC-led parliamentary committee, which wants the bill's debate closed by 21 September 2011.



The [Right2Know](#) campaign this week released a seven-point Freedom Test - its key demands - said to be at the centre of the contention - a saga that has sparked outrage locally and internationally, and made western governments, investors and foreign news organisations nervous.

Critics said the flawed bill, once enacted, will further complicate the already volatile service delivery, restrict free reporting and create a climate of fear and secrecy in the country - a strange trend in a nation that brags that it is Africa's democratic leader.

## Seven-point Freedom Test

The seven points are:

1. Limit secrecy to core state bodies in the security sector such as police, defence and intelligence agencies
2. Limit secrecy to strictly-defined national security matters and no more. Officials must give reasons for making information secret
3. Exclude commercial information from this bill - partially met
4. Do not exempt the intelligence agencies from public scrutiny
5. Do not apply penalties for unauthorised disclosure to society at large, only those responsible for keeping secrets
6. Do not criminalise whistleblowers and journalists: the bill must protect those who release classified information if that information is in the public interest
7. An independent body appointed by Parliament, and not the minister of state security, should be able to review decisions about what may be made secret.

R2K national coordinator Murray Hunter said that, while the first three points and the seventh have only been partially met, the ruling party-sanctioned committee refuses to budge on the fourth, fifth and sixth.

## One year of existence

R2k, a broad-based civil society organisation launched on 31 August 2010 in response to the controversial bill, will celebrate one year of its existence tomorrow, Wednesday, 31 August 2011.

"Today, after months of wrangling, and despite recent promising developments in the parliamentary deliberations, the Secrecy Bill still fails the Freedom Test," a disappointed Murray said in a statement.

The hottest point of the proposed legislation, according to critics, is clause 43, which stipulates that jail sentences of up to 15 years will be handed to anyone who possesses information relating in any way to any aspect of the security services. This is one of the demands (fourth point) Hunter said has not been met by the committee.

R2K's further demand (fifth point) is that, once information has been leaked at its source, the information should be considered part of the public domain.

## "We should not be criminalised"

"We should not be criminalised for having access to it or sharing it. Moreover, as it stands, by demanding that any leaked documents be reported to the police or intelligence services (clause 18), the Secrecy Bill forces journalists to sell out their sources and invites securocrats to target whistleblowers within the administration."

He also said MPs in the ruling party in particular seem to be under tremendous pressure to harden their positions.

"Those working on the Bill should not be subject to oversight from officials in the ministry of state security, who continue to breathe down parliamentarians' necks after having pushed the current draft of the bill into Parliament in the first place," he said.

### For more:

- Google News Search: [Secrecy Bill OR Protection of Information Bill OR Right2Know](#)
- Twitter Search: [right2know OR r2kcampaign OR #secrecybill OR "Secrecy Bill"](#)



## ABOUT ISSA SIKITI DA SILVA: @SIKITIMEDIA

Issa Sikiti da Silva is a winner of the 2010 SADC Media Awards (print category). He freelances for various media outlets, local and foreign, and has travelled extensively across Africa. His work has been published both in French and English. He used to contribute to Bizcommunity.com as a senior news writer.

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