



Report of the Select Committee on Security and Constitutional Development on the Protection of Personal Information Bill [B 9B- 2009] (National Assembly – sec 75), dated 12 June 2013:

The Select Committee on Security and Constitutional Development, having considered the subject of the **Protection of Personal Information Bill [B 9B- 2009] (National Assembly – sec 75)**, referred to it, reports that it has agreed to the Bill with the following proposed amendments:

The following amendments are proposed in respect of the text of the Bill:

CONTENTS OF ACT

1. On page 4, in line 25, to insert “or biometric information” after “behaviour”

CLAUSE 4

1. On page 10, after line 41, to insert
“(5) The processing of the special personal information of a child is prohibited in terms of sections 26 and 34 unless the provisions of sections 27 and 35 are applicable in which case, subject to section 37, the conditions for the lawful processing of personal information as referred to in Chapter 3 must be complied with.”
2. On page 10, in line 41, to renumber subclause “(5)” to subclause “(6)”
3. On page 10, in line 46, to renumber subclause “(6)” to subclause “(7)”

CLAUSE 6

- 3. On page 21, in lines 48 to 54, to omit the whole subclause 2
- 2. On page 21, in line 45, to insert "or biometric information" after "behaviour"
- 1. On page 21, in line 43, to insert "or biometric information" after "behaviour"

CLAUSE 33

- 3. On page 21, in line 7, to omit "aid" and to substitute "scheme"
- 2. On page 21, in line 5, to omit the word "aid"
- 1. On page 21, in line 1, to omit the word "aid" where it appears in that line

CLAUSE 32

- 2. On page 20, in line 31, to insert ", " after "principles"
- 1. On page 20, in line 31, to insert ", " after "institution"

CLAUSE 31

- 1. On page 18, in line 40, to insert ", as soon as reasonably practicable" after "must"

CLAUSE 24

- 2. On page 16, in line 3, after "(v)" to omit "the"
- 1. On page 16, in the first line, after "(iv)" to omit "the"

CLAUSE 18

- 1. On page 11, in line 30, to omit "and"

4. On page 21, in line 55, to renumber subclause "(3)" to subclause "(2)"
5. On page 21, in line 58, to renumber subclause "(4)" to subclause "(3)"
6. On page 21, in line 60, to insert "or biometric information" after "behaviour"

CLAUSE 38

1. On page 23, in line 24, to omit "11" and to substitute "11(3) and (4)"

CLAUSE 40

1. On page 24, in line 60, to omit "co nsult" and to substitute "consult"

CLAUSE 44

1. On page 27, in line 52, to omit "information protection principles" and to substitute
"conditions for the lawful processing of personal information"

CLAUSE 48

1. On page 29, in line 47, to omit "," after "section 47(1)(b)" and to insert "and"

CLAUSE 72

1. On page 37, in line 7, to omit "," after the word "rules" and to insert "or"
2. On page 37, in lines 6 and 7, to omit
"or a memorandum of understanding entered into between two or more public bodies,"
3. On page 37, in lines 29 to 31, to omit the whole subclause (2)

"2013"

1. On page 52, in the third column, in the last line, to omit "2012" and to substitute

SCHEDULE

1. On page 50, in line 30, to omit "2012" and to substitute "2013"

CLAUSE 115

1. On page 47, in line 20, to omit "procure" and to substitute "procures"

CLAUSE 106

4. On page 45, in line 56, after "it", to insert "a"

"section 72."

3. On page 45, in lines 24 to 26, to omit all the words from "(f)" up to and including

2. On page 45, in line 23, to omit "; or" and to substitute "."

1. On page 45, in line 22, after "case;" to insert "or"

CLAUSE 99

7. On page 37, in line 45, to renumber paragraph "(c)" to paragraph "(b)"

6. On page 37, in line 40, to renumber paragraph "(b)" to paragraph "(a)"

5. On page 37, in lines 33 to 39, to omit the whole paragraph (a)

4. On page 37, in line 32, to renumber subclause "(3)" to subclause "(2)"

2. On page 53, in the third column, in the sixteenth line, to omit "2012" and to substitute "2013"
3. On page 53, in the third column, in the twenty second line, to omit "2012" and to substitute "2013"
4. On page 53, in the third column, in the forty-seventh line, to omit "2012" and to substitute "2013"
5. On page 53, in the third column, in the fifty third line, to omit "2012" and to substitute "2013"
6. On page 53, in the third column, in the fifty ninth line, to omit "2012" and to substitute "2013"
7. On page 55, in the third column, in the twenty ninth line, to omit "2012" and to substitute "2013"
8. On page 59, in the third column, in the forty eighth line, to omit "2012" and to substitute "2013"
9. On page 59, in the third column, in the sixtieth line, after "information" to insert "and"
10. On page 59, after the sixtieth line, to insert:

"(v) a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed."
11. On page 63, in the third column, in the fifty fourth line, to omit "2012" and to substitute "2013"

- 12. On page 65, in the third column, in the twentieth line, to omit "2012" and to substitute "2013"
- 13. On page 66, in the third column, in the seventeenth line, to omit "2012" and to substitute "2013"
- 14. On page 66, in the third column, in the forty first line, to omit "2012" and to substitute "2013"
- 15. On page 67, in the third column, in the seventh line, to omit "referred" and to substitute "[referred]"
- 16. On page 67, in the third column, in the eight line, to omit "to in section [74]" and to substitute "to in section 74]"
- 17. On page 67, in the third column, in the fifteenth line, to omit "after" and to substitute "After"
- 18. On page 67, in the third column, in the twentieth line, to omit " after "section 77A"
- 19. On page 68, in the third column, in the thirteenth line, to omit "10(2) and"
- 20. On page 68, in the third column, in the fourteenth line, to omit "(3)"
- 21. On page 68, in the third column, in the twenty ninth line, to omit "2012" and to substitute "2013"
- 22. On page 69, under Act 25 of 2002, in the third column, in the first and second lines, to underline all the words
- 23. On page 69, under Act 25 of 2002, in the third column, in the third line, to omit "(e)" and to substitute "(e)"

24. On page 69, under Act 34 of 2005, in the third column, in the thirteenth line, to omit "(b)" and to substitute "(b)"
25. On page 69, under Act 34 of 2005, in the third column, in the third last line, to omit "2012" and to substitute "2013"

Report to be considered.

The Honourable T M H Mofokeng, MP
Chairperson: Select Committee on Security and Constitutional Development



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Report of the Select Committee on Security and Constitutional Development on Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004), dated 12 June 2013.

The Select Committee on Security and Constitutional Development received a briefing on the Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) as tabled in the following gazettes:

1. Proclamation No 39, Proclamation No 40, published in the Government Gazette No 35566, dated 6 August 2012;
2. Proclamation No 41, Proclamation No 42, Proclamation No 43, published in the Government Gazette No 35599, dated 17 August 2012;
3. Proclamation No 57, Proclamation No 58, published in the Government Gazette No 35713, dated 26 September 2012; Proclamation No 64, published in the Government Gazette No 35807, dated 23 October 2012;
4. Proclamation No 1, published in the Government Gazette No 36055, dated 4 January 2013.

The Select Committee on Security and Constitutional Development reports that it has concluded its deliberations on the Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) and recommends that the National Council of Provinces approve said Proclamations.

Report to be considered.

The Honourable T M H Mofokeng, MP

Chairperson: Select Committee on Security and Constitutional Development