**PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NO: 2763**

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**QUESTION PAPER NO: 26**

**DATE OF REPLY:**

**Mr C MacKenzie (DA) to ask the Minister of Telecommunications and Postal Services:**

1. Has South Africa ratified the African Union Convention on Cyber Security and Personal Data Protection; if not, why not; if so, when was the convention signed;
2. Whether any provisions of the specified convention are included in any legislation that is (a) under review or (b) being developed in collaboration with entities in the security cluster; if so, what (i) laws and (ii) regulations will be amended and developed?

(NW3195E)

**REPLY:**

1. The African Union Convention on Cyberspace Security and Protection of Personal Data was **adopted** by the 23rd Ordinary Session of the Assembly of the African Union which was held in Malabo, Equatorial Guinea, on 26 and 27 June 2014.

South Africa has not ratified the African Union Convention on Cyberspace Security and Protection of Personal Data because South Africa has not yet signed as she is awaiting the official document from the African Union Commission to be dispatched through diplomatic channels.

The Convention has not yet been signed.

1. The provisions of the AU Convention on Cyber Security and Personal Data Protection
   1. Will have to be studied by the relevant department and authorities, as part of the process of ratification to ensure that it is consistent with our domestic law and not in conflict with any of South Africa’s international law obligations and that procedurally South Africa is in a position to ratify the Amendment. This will be done by the Office of the Chief State Law Adviser of the Department of Justice and Constitutional Development, and Office of the Chief State Law Adviser - International Law of the Department of International Relations and Cooperation.
   2. No information is available, awaiting the study and legal opinion.
2. Not applicable

(ii) Not applicable