# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 3944**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 28 OCTOBER 2022**

**(INTERNAL QUESTION PAPER NO. 42)**

**Mrs M O Clarke (DA) to ask the Minister of Health:**

Whether he will furnish Mrs M O Clarke with (a) a copy of the report regarding the possible deletion of comments on the draft health regulations in April 2022 and (b) the comments on the regulations; if not, why not; if so, what are the relevant details? **NW4912E**

**REPLY:**

1. Yes. Investigation report into alleged deleted email has been prepared. The National Department of Health has utilized the following emails to receive the comments and submissions per the published draft Health Regulations as per Gazette No 46048 and Government Gazette No: 46243:

|  |  |
| --- | --- |
| **Email used to receive commends** | **Regulation** |
| * 1. Tsakane.Furumele@Health.gov.za
 | National Health Act: Regulations relating to the surveillance and control of notifiable medical conditions: Amendment. |
| * 1. Funeka.Bongweni@health.gov.za
 | International Health Regulations Act: Regulations relating to public health measures in points of entry. |
| * 1. Daniel.Nkuna@health.gov.za
 | National Health Act: Regulations relating to the management of human remains. |
| * 1. Murdock.Ramathuba@Health.gov.za
 | National Health Act: Regulations relating to environmental health. |

The Department uses the Microsoft Exchange online as the cloud-based email system, and the **mimecast** cloud solution for email backup, archiving and security. All emails are archived **before** they are received by each individual user account and each email is archived for 100 years. There is therefore no possibility of permanently loosing emails even for those that may have been erroneously deleted.

In general, the email system in the Department is designed based on good practices and common standards. These standards are used if an incorrect email is sent to the email system, where a standard notification will be sent back to the initiating email system and notify the sender of non-delivery and the reason for non-delivery is given and explained in the notice.

Similarly, this is the case for rejected emails. Rejected emails may be due to how the Cyber Security community have classified the email system of the sender and mostly emails are rejected when the email system of the sender is classified in one of the categories of cyber security threats, like being classified as the spam email system, which means that the emails may have been classified not as ethical or acceptable to other organizations. This category is classified as such by the ICT Security Industry and not the Department.

The Microsoft Exchange Cloud Platform used by the Department has data protection that allows all deleted emails of files on the cloud platform to be recoverable for at least a period of three months from the “Trash-Folder”. This is the build-in protection for any accidental deletion that may be experienced by individual users.

The Department established a team that worked on consolidating the received submissions and inputs. The team from the Information and Communication Technology Directorate met on 17th March 2022 and agreed on creating an email platform called legalreviews@health.gov.za. This platform has provided access and relief to the colleagues who needed to work on the received submissions and inputs to unclog their individual email accounts.

Furthermore, a special folder was created in each of the email accounts that were published in the Gazette and all emails that were identified as submissions and inputs were **moved** to the created folder named legalreviews@health.gov.za. This was done to ensure that the account holders of emails published in Gazette can attend to their day-to-day duties and are not affected by the massive amounts of received submissions, comments and inputs.

The Email-rules were created using “catch-phrases” to identify submissions and inputs and the rules forwarded all identified emails to the email address legalreviews@health.gov.za. The rules were also used to identify emails from website platforms and forwarded accordingly.

The Department of Health confirms that all received emails are not lost and have been accounted for. A picture graph of all received emails from the published email accounts between 15 March 2022 until 21 April 2022 has been developed to record the email backup and the archive system. The Department also has the user activity log showing all actions each user undertook during the period of receiving the public comments. The records include all emails that were received, rejected, bounced, and the reports can be presented for audit purposes.

Rejected or bounced email messages maybe due to incorrect email address that does not exist in the system that the sender of the email might have used, and the email system will notify such user that the email was not delivered as the recipient does not exist. The Department is also in a position to track any email that may have been deleted, if the details of the sender and the date on which the emails were sent and time as well as date emails may have been deleted by Department of Health officials.

1. There is substantial progress in processing the public comments. This started with processing of raw comments from emails and other platforms used to submit the comments (meaning capturing, allocating to officials to capture them under the regulations they are commenting on). All comments received were directed to a central platform where they were consolidated and handed over to the team responsible for processing.

Members of the public did not only use the communicated means of submission reflected in the published draft regulations but also used other email addresses of officials in the Department which were not published for this purpose. All these comments had to be harvested from the Department’s email system for processing. The Department continues to check and move such comments to the central platform of legalreviews@health.gov.za.

The above issues have affected the finalization of the number of comments received and the final number of received comments can only be confirmed once all the comments from other platforms, including personal emails of officials, have been moved to legalreviews@health.gov.za. It must be noted that the processing of comments is ongoing and to date, a total of 446 067 comments have been received and accounted for. Furthermore, over 430 915 of these comments have been processed and about 15 152 of them are still outstanding, and the performance thereof is at 97%. The work of evaluating comments is continuing and the technical team is looking at the technical contents to either accept, propose rejection, discuss further, or seek guidance thereon prior to incorporating such comments into the final set of Regulations.

 END.