



15 February 2012

Mr G Dixon  
The Secretary to Parliament of the Republic of South Africa  
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Dear Mr Dixon

## **Supplementary Opinion on the Protection of State Information Bill by the South African Jewish Board of Deputies**

The South African Jewish Board of Deputies (SAJBD) thanks the National Council of Provinces (NCOP) for the opportunity to address its Honourable Members on certain aspects of the Protection of State Information Bill (POSIB) which is presently being considered by the NCOP. This submission is in response to the public call made for input in various national newspapers in January 2012.

The South African Jewish Board of Deputies is the democratically elected representative body of South African Jewry, protecting its rights and promoting interaction with other South Africans. As an organisation that frequently deals with the media, the SAJBD believed it is important to make a submission to the NCOP on the POSIB. The SAJBD strongly supports the principle of freedom of expression as enshrined in Section 16 of the Constitution. The rights of a free press must be valued and protected, while media should report accurately and fairly. The SAJBD has been actively engaged on these issues, and has a representative seat on the Gauteng Working Group of the Right2Know Campaign. The Board also made a submission to the Press Council in 2011 and presented at the Press Freedom Commission Hearings in Johannesburg in January 2012.

The Board has also, as advised by Kobus van Rooyen SC, been involved in making representations to the National Assembly firstly in a main opinion on 5 July 2011 and thereafter in two shorter opinions at the request of a member of the ad hoc committee on the POSIB. The Board wishes to record its gratitude for several amendments which, it



believes, it has contributed to: *inter alia*, the refining of the criteria, the limitation in principle<sup>1</sup> of classification to security organs of state, the inclusion of the Review Panel, the inclusion of the Court in applications for declassification, and the inclusion of the protection of whistleblowers, in terms of the Protection of Disclosures Act, for purposes of this Bill.

There are, however, still a few aspects by which, with respect, the Bill could be improved in the interests of Constitutionality. They are set out in the attached supplementary opinion by Advocate van Rooyen SC.

We look forward to the deliberations of the NCOP on the POSIB, and would be available to make a presentation in Parliament if required.

Should you require any further information, please contact Mr Steven Gruzd, Senior Researcher and Diplomatic Liaison, SAJBD, on 011 656-2511 or [steven@beyachad.co.za](mailto:steven@beyachad.co.za)

Regards

Mary Kluk  
National Chairman  
South African Jewish Board of Deputies

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<sup>1</sup> We have noted clause 3(2) of the Bill.