

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NO. 3410

12 May 2023

ADV GLYNNIS BREYTENBACH, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT, 2023

Adv Glynnis Breytenbach, MP, hereby gives notice of a name change to the Bill, the Constitution Eighteenth Amendment Bill, in respect of which she gave notice of intention to introduce in *Gazette* No. 47478 of 9 November 2022, to wit:

Acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Constitution Twentieth Amendment Bill, 2023, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

Cyber technology is increasingly central to government functioning and the provision of services to citizens. Proper cyber security is also fundamental to safeguarding many of the rights enshrined in the Bill of Rights and safeguarding our critical infrastructure and democracy. At present, personal information of individuals in possession of state departments is also not sufficiently protected against cyber-attacks. These attacks place private and public information at risk, which results in state-owned entities and the economy losing billions of rands to cyber-crime.

The state-owned entities currently tasked with addressing cyber-crime are chronically underfunded or lack proper expertise to perform their function adequately. In addition, these entities are not sufficiently streamlined, and often operate in silos across Government Departments. It is further vital that an entity that is directly accountable to Parliament and not to the national executive be tasked with safeguarding such fundamental rights.

Cyber security and cyber threats did not play such a big part in the functioning of the Republic and the lives of individuals with the adoption of the Constitution in 1996. The proposed Constitution Twentieth Amendment Bill, 2023 will seek to amend Chapter 9 of the Constitution to provide for the establishment of the Commissioner to regulate Cyber Security. The Cyber Commissioner will be tasked with supporting and strengthening constitutional democracy in South Africa by advising, monitoring and establishing cyber security capabilities in the public sector and will work with tertiary institutions and the private sector to establish minimum good standards, build capacity and create awareness.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days

of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the draft Bill may be obtained upon request from legislation@da.org.za.