

What is the secrecy bill?

The secrecy bill (or Protection of State Information Bill) is currently being considered by Parliament. The bill allows government to classify information as top secret, secret and confidential. Information will be classified on the basis of a definition of 'national security'. The definition is so broad that it will allow the government to classify information that is not related to protecting South Africa from security threats, such as information about the economy. It also allows government to classify information about the security agencies (termed 'state security matters'), including simple information like the contract with the person who cleans the agencies offices. Once information is classified it is hidden from the public and people can be put in jail for exposing it.

The Secrecy Bill affects YOU!

- It allows the government to keep secrets from YOU.
- It prevents the media from telling YOU about some operations of the government.
- It will stop YOU from receiving and sharing classified information within your communities.
- It will allow the government to send YOU to prison for having or sharing classified information.

The bill is not just about the media

While the bill is important because it will stop journalists from publishing information the government has classified, it is not only harmful to journalists.

Many of us get our information about what government is doing from the media. We listen to the radio or we read newspapers and we rely on the journalists to tell us what they know about the actions of the government. Therefore, when the government stops journalists from telling us things, the government is cutting off an important information supply.

And the bill doesn't only stop journalists from sharing information with us; it stops us from sharing information with each other. The bill makes it a crime for us to have classified information too. It also makes it a crime for us to share that information with our families, friends and communities. The bill stops the free flow of information.

It limits your right to information

Section 32 of the Constitution gives you the right to access any information held by the State. In 2000 the government passed the Promotion of Access to Information Act (PAIA) which gives effect to the constitutional right. PAIA sets out the only grounds on which the government can refuse to give you access to information. Any other law that tries to further restrict your right to information is currently invalid.

The secrecy bill will override PAIA, restricting your right to information in two key ways:

- By creating a new ground for refusing you access to information. The bill will allow the government to refuse you access to information just because it is stamped classified.
- By extending the timeline for responding to requests. PAIA requires government to respond to your requests for information within 30 days. The bill does not impose any timelines on government for responding to requests for access to classified information. The government could therefore delay your right of access indefinitely, even where the information has been wrongly classified and should be declassified and released.

You can be sent to prison

While the bill creates some criminal offences that are designed to protect South Africa from terrorism, it also creates criminal offences that will affect ordinary people living in South Africa.

- You can be put in jail for 5 years if you have a classified document and don't return it to SAPS, even if you don't share the document with anyone.
- You can be put in jail for 10 years if you have a document that relates to a state security matter, even if you don't share the document with anyone.
- You can be put in jail for 10 years if you share a document relating to a state security matter with members of your community.

Under the bill, it doesn't matter why you kept the information or shared it with your community. Even if you shared the information because it was in the public interest, that you thought the public had a right to know the information, you can still be sent to prison. There is no public interest defence in the bill.

The bill is not just about protecting your information. It is about hiding classified information.

The government has reported that the bill will protect your important information, like your identity document. The bill does require public officials to handle valuable information, like your identity document, with care. It also makes it a criminal offence for anyone to destroy, alter or erase valuable information. The Right2Know Campaign is not protesting those provisions of the bill.

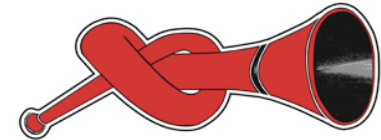
But there are over 50 clauses in the bill and most of them relate to the classification of information and penalties related to possessing and distributing classified information. We cannot allow government to pass the bill with the classification provisions, that limit our constitutional rights, included.

What can you do?

Speak out against the secrecy bill!

- Join the Right2Know Campaign – you can sign the Right2Know statement and receive updates about the campaign at www.r2k.org.za.
- Get involved in the Right2Know Campaign – contact Bongani Xezwi on 071 043 2221 to find out how you can get involved in the campaign or ask the Right2Know to come to your community.

Everything you **NEED 2 KNOW** about the **“Secrecy Bill”**



RIGHT2KNOW

An information pamphlet from the Right 2 Know Campaign. Prepared by the South African History Archives (SAHA), a member of R2K.