



**OPEN DEMOCRACY  
ADVICE CENTRE**

TRANSPARENCY IN ACTION

13 November 2017

Attn: Dr Motshekga  
Chairperson, Portfolio Committee Justice and Constitutional Development  
Parliament

Dear Honourable D Motshekga

I write to you on behalf of the undersigned organisations and individuals in order to raise our concerns in relation to the process regarding the Cybercrimes and Cybersecurity Bill.

As you are aware, there have been a number of substantial and well motivated submissions made to your committee on the Bill over two days over the 13<sup>th</sup> and 14<sup>th</sup> of September 2017. We understand that the Department of Justice (DOJ) have considered the representations. In the committee meeting of the 7<sup>th</sup> November, the Department's response was circulated.

We note that the majority of the submissions have not been taken into account. In fact, the DOJ's response indicates that if anything, the DOJ has gone out of its way to defend the Bill in its current form, to the extent of pushing back on the concerns raised by members of Parliament in the meeting of the 7<sup>th</sup>.

In the circumstances, we must point out that the Bill is deeply flawed and remains very problematic in many aspects. Simple clarity of drafting is absent in a number of clauses. We would be deeply regretful if Parliament does not seize the opportunity and the vast array of expertise provided it to remedy the defects in the Bill.

More importantly, we are of the view that the Bill does not meet constitutional muster, as outlined in many of the submissions, and we reserve our rights to consider further legal action.

Thanking you in anticipation of your response

Yours sincerely

Alison Tilley

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