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HESA STATEMENT ON THE PROTECTION OF INFORMATION BILL

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Access to information is the cornerstone not only to the functioning democracy but it is central to the enterprise of the university. Higher Education South Africa, as the collective body of leadership in our universities, adds its support to other representative bodies who are calling for further analysis and clarification of the scope and content of the prospective Information Bill.

Specifically, because of the negative way it might impact on Sections 32 (access to information) and 16 (freedom of speech) of the Constitution, the proposed Bill is potentially detrimental to the core functioning of higher education. Without access to information, the process of knowledge generation is hampered, and without freedom of speech, academic freedoms are placed in jeopardy. The chairperson of HESA, Prof Ihron Rensburg, argues that "as it presently stands, the information Bill does not pass constitutional muster and is not consistent with the principle of academic freedom, one of the key cornerstones of the academic enterprise".

Dr Max Price, the Vice-Chancellor of UCT, has also recently raised concerns about its infringement on the objectives of the Protected Disclosure Act (Act 26 of 2000) and the Promotion of Access to Information Act (Act 71 of 2008, Section 159) which, he argues, will make it harder to access information and to allow for whistle-blowing on irregularities within state and private activities. He also expresses concern over the wide powers allowed in the delegation of authority to classify information and the lack of necessary mechanisms to counter abuse.

"These are valid concerns", says Rensburg, "because they touch on the heart of the academic endeavour as well as civil liberty. However, as much as it is the duty of higher education to speak truth to power it is also necessary for our universities to find solutions to impasses.

"In this regard, HESA supports the recent statement made by the South African Law Deans' Association in which it affirms its willingness to work with government by providing legal expertise and comparative analysis of the proposed Bill in order to shape it into a form that transparently serves the needs of everyone. This is a group of experts, with some of the best legal minds in the country, who wish to work collectively towards a nuanced piece of legislation that is acceptable to both government and society".

Directors: M.S. Badat; M.M. Balintulo; R.Botman; C. de la Rey; T. Eloff; J.D. Jansen; M.R. Kgaphola M.W. Makgoba; F. Mazibuko; L.V. Mazwi Tanga; P. Mbati; N.M. Mokgalong; I. Moutlana (Deputy Chairperson); T.Z. Mthembu; G.L. Nongxa; B.P. O'Connell; N.B. Pityana; M. Price; I.L. Rensburg (Chairperson); D.I. Swartz; M. Tom;

“Ironically”, says Rensburg, “the very liberties of access to information and freedom to articulate that information, could deliver us from the stand-off that currently typifies debate on this issue. I hope that government takes higher education up on its offer”.

About Higher Education South Africa

Higher Education South Africa (HESA) is the leadership body that represents the 23 public universities. Led by the Vice-Chancellors of our universities, HESA acts to support and advance the higher education sector in South Africa.

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