

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
STATE INFORMATION  
TECHNOLOGY AGENCY BILL**

[B 96—98]

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*(As agreed to by the Portfolio Committee on Public Service and Administration  
(National Assembly))*

[B 96A—98]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEKOMITEE-AMENDEMENTE  
OP  
WETSONTWERP OP DIE  
STAATSINLIGTINGS-  
TEGNOLOGIE-AGENTS-KAP**

[W 96—98]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Staatsdiens en Administrasie  
(Nasionale Vergadering))*

[W 96A—98]

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## AMENDMENTS AGREED TO

### STATE INFORMATION TECHNOLOGY AGENCY BILL [B 96—98]

#### ARRANGEMENT OF ACT

1. On page 2, in line 24, to omit “Appointment and functions” and to substitute “Functions”.

#### CLAUSE 1

1. On page 4, after line 37, to insert:
  - (vii) **“information systems security”** means to preserve the availability, integrity and confidentiality of information systems and information according to affordable security practices; (vi)

#### CLAUSE 3

1. On page 6, after line 24, to insert:
  - (c) the sub-component Information Systems within the Department of Safety and Security; and
2. On page 6, from line 26, to omit subsection (5) and to substitute:
  - (5) Departments must participate in the formation of the Agency, subject to subsection (6).
3. On page 6, from line 29, to omit subsection (6) and to substitute:
  - (6) Participation will be phased in over a period of time as determined, from time to time, by Cabinet on recommendation of the Minister.

#### CLAUSE 6

1. On page 8, in line 10, after “services” to insert:

in a maintained information systems security environment

#### CLAUSE 7

1. On page 8, from line 19, to omit paragraph (e).
2. On page 8, after line 24, to insert:
  - (g) with regard to any of the above functions act as procurement agency in respect of information technology requirements, in accordance with State procurement policy; and
  - (h) perform any other function which the Minister may, from time to time, determine to give effect to the objective of the Agency.

3. On page 8, in line 25, to omit subsection (2) and to substitute:

(2) The Agency must in the execution of its functions maintain a comprehensive information systems security environment according to approved policy and standards.

(3) The Agency must in the execution of its functions adhere to the policies on information management and information technology and a framework of norms and standards to give effect to such policies, as well as regulations made in this regard by the Minister in terms of the Public Service Act, 1994 (Act No. 103 of 1994), and this Act.

#### CLAUSE 8

1. On page 8, after line 30, to insert:

(2) The business and operational plans of the Agency must be approved by the Board of Directors in consultation with the Minister.

#### CLAUSE 13

1. On page 10, in line 20, to omit “Appointment and functions” and to substitute “Functions”.
2. On page 10, in line 25, to omit “the accountant,” and to substitute “accountable to the Board, and is the”.

#### CLAUSE 14

1. On page 10, after line 35, to add:

(4) In the making of appointments and the filling of posts, the evaluation of persons must be based on training, skills, competence, knowledge and the need to redress the imbalances of the past to achieve an Agency broadly representative of the South African people, including representation according to race, gender and disability.

#### CLAUSE 15

1. On page 10, in line 38, to omit all the words after “3(4)” up to and including “Agency” in line 39 and to substitute:

, and practitioners in the information technology function of departments contemplated in section 3(5), will be made an employment offer by the Agency, unless otherwise agreed to between the Agency, an employee and the department concerned
2. On page 10, in line 44, to omit “reviewed” and to substitute “reconsidered”.
3. On page 12, in line 3, after the first “of” to insert “Infoplan”.
4. On page 12, from line 16, to omit all the words from “with-” up to and including “(iii)” in line 21 and to substitute “with”.

5. On page 12, in line 32, after “Fund” to insert:
 

in which case the Agency will be responsible for the employers’ contribution to the Fund
6. On page 12, in line 33, after “fund” to insert:
 

and withdraw from the current Fund in accordance with the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996)
7. On page 12, from line 34, to omit paragraph (i).

#### CLAUSE 16

1. On page 14, in line 11, after “arrangement” to insert:
 

, including any government grants,
2. On page 14, after line 15, to insert:
 

(7) (a) The Agency may, with the approval of the Minister, accept donations and bequests.  
 (b) Particulars of each donation or bequest accepted by the Agency must be given in the annual report of the Agency.

#### CLAUSE 18

1. On page 14, in line 33, to omit “agency” and to substitute “Agency”.

#### CLAUSE 19

1. On page 14, from line 40, to omit subsections (1) and (2) and to substitute:
 

(1) Where an activity of the Agency was performed by a participating department and an asset was held or used by any of the parties referred to in section 3(4) in connection with the performance of that activity, the relevant Head of Department in consultation with his or her Minister must transfer the asset to the Agency.  
 (2) The transfer of such assets to the Agency must take place by mutual agreement between the participating department and the Agency in consultation with the Minister of Finance, and in the case of a transfer of assets of Infoplan from Denel (Pty) Ltd, the provisions of the Companies Act will apply.

#### CLAUSE 23

1. On page 16, after line 8, to insert:
 

(e) transitional arrangements with regard to the formation of the Agency; and

#### CLAUSE 24

1. On page 16, after line 34, to add:
 

(3) The Agency must comply with the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992), as applicable to listed entities.