

Information Regulator supports electoral law amendments

The Information Regulator is in support of key amendments to South Africa's Electoral Laws Amendment Bill, which will allow the voters' roll to continue to be accessed by the public.



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“The Information Regulator (IR) has come out in support of amendments to section 16 of the Electoral Act, 73 of 1998 – in clause 8 of the Electoral Laws Amendment Bill, proposed by the Independent Electoral Commission (IEC), which will allow the voters’ roll to continue to be accessed by the public,” said the regulator.

In a statement on Tuesday, the regulator said the current bill, the public’s right to access the voters’ roll is removed entirely.

“In the new amendments supported by the IEC and IR, the roll will remain accessible by the public, but the full ID numbers of the voters will be redacted,” the regulator said.

The IR said its supports the IEC amendments on the basis that the voters’ roll must in some part be made available to the public, in order to guarantee that steps taken to ensure the integrity of the roll have been given effect to.

The IR’s comments come as it has been invited to appear before the Select Committee on Security and Justice of the

National Council of Provinces (NCOP) led by the Chairperson of the IR, Advocate Pansy Tlakula on Wednesday.

The regulator will make a submission to the Committee.

“Amendments as proposed by the IEC, strike the correct balance between access to information and privacy in this context that is to allow the voters’ roll to be accessed, but requiring the electoral officer to remove the part where the ID number of the voter is visible and accessible.

“Furthermore the IR agrees with the proposed additional measures to ensure that those who access the roll only use it for lawful processing in terms of Protection of Personal Information Act (POPIA),” the regulator said.

In order to ensure processing and release of information that is lawful, electoral laws need to meet the requirements of POPIA.

“In terms of the amendment, the Chief Electoral Officer must provide a certified copy of, or extract from, a segment of the voters’ roll as it exists at that time, to any person who has paid the prescribed fee only if the Chief Electoral Officer is satisfied that it is required by such person for the purpose of – monitoring the accuracy of the information in the voters’ roll,” the regulator said.

This also includes it being for statistical or research purposes, or any other purpose that is prescribed and in doing so would not involve unlawful processing of personal information in terms of POPIA.

Additionally, the Chief Electoral Officer must also redact the identity numbers of voters, excluding the six digits indicating the voter’s date of birth, appearing on the voters’ roll provided the requester satisfies the electoral officer that; exceptional circumstances require the full identity number to be disclosed; and doing so would not involve unlawful processing of personal information in terms of POPIA.

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