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REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 189 6 February 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 68 of 2002: Electronic Communications Security (Pty) Ltd Act, 2002.

DIE PRESIDENSIE

No. 189 6 Februarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 68 van 2002: Wet op Electronic Communications Security (Pty) Ltd, 2002.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(English text signed by the President.)
(Assented to 30 January 2003.)*

ACT

To provide for the establishment of a company that will provide electronic communications security products and services to organs of state; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER 1

Definitions

1. In this Act, unless the context otherwise indicates— 5
- “Board” means the Board of Directors of Comsec contemplated in section 8;
- “Chief Executive Officer” means the Chief Executive Officer contemplated in section 13;
- “communication” means communication as defined in an Act of Parliament providing for the regulation of interception of communications; 10
- “Companies Act” means the Companies Act, 1973 (Act No. 61 of 1973);
- “Comsec” means Electronic Communications Security (Pty) Ltd established by section 2;
- “critical electronic communications” means electronic communications held by organs of state which are necessary for the protection of the national security of the Republic; 15
- “critical electronic communications infrastructure” means electronic communications products or systems used to transmit and store or transmit or store critical electronic communications;
- “Intelligence Services” means the Intelligence Services as contemplated in an Act of Parliament providing therefor; 20
- “joint standing committee” means the Joint Standing Committee on Intelligence established by section 2 of the Intelligence Services Control Act, 1994 (Act No. 40 of 1994);
- “Minister” means the Minister as defined in an Act of Parliament providing for the Intelligence Services; 25
- “organ of state” means an organ of state as defined in section 239 of the Constitution;
- “prescribe” means prescribe by regulation;
- “telecommunication service provider” means a telecommunication service provider as defined in an Act of Parliament providing for the regulation of interception of communications; 30
- “this Act” includes the regulations.

Establishment of Comsec

2. There is hereby established a juristic person to be known as Electronic Communications Security (Pty) Ltd. 35

(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Januarie 2003.)

WET

Om voorsiening te maak vir die instelling van 'n maatskappy wat aan staatsorgane produkte en dienste betreffende sekuriteit vir elektroniese kommunikasies sal lewer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

HOOFSTUK 1

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - “Comsec” *Electronic Communications Security (Pty) Ltd*, wat by artikel 2 ingestel word; 5
 - “gesamentlike staande komitee” die Gesamentlike Staande Komitee oor Intelligensie, ingestel deur artikel 2 van die Wet op Beheer oor Intelligensiedienste, 1994 (Wet No. 40 van 1994); 10
 - “hierdie Wet” ook die regulasies;
 - “Hoof- Uitvoerende Beampte” die Hoof- Uitvoerende Beampte in artikel 13 beoog;
 - “Intelligensiedienste” die Intelligensiedienste soos beoog in 'n Parlements wet wat daarvoor voorsiening maak; 15
 - “kommunikasie” kommunikasie soos omskryf in 'n Parlements wet wat vir die regulering van onderskepping van kommunikasies voorsiening maak;
 - “kritieke elektroniese kommunikasies” elektroniese kommunikasies wat deur staatsorgane gehou word en wat nodig is vir die beskerming van die nasionale sekuriteit van die Republiek; 20
 - “kritieke elektroniese kommunikasies-infrastruktuur” elektroniese kommunikasies-produkte of -stelsels wat gebruik word om kritieke elektroniese kommunikasies te versend en te stoor of te versend of te stoor;
 - “Maatskappywet” die Maatskappywet, 1973 (Wet No. 61 van 1973);
 - “Minister” die Minister soos omskryf in 'n Parlements wet wat vir die Intelligensiedienste voorsiening maak; 25
 - “Raad” die Raad van Direkteure van Comsec in artikel 8 beoog;
 - “staatsorgaan” 'n staatsorgaan soos omskryf in artikel 239 van die Grondwet;
 - “telekommunikasiediensverskaffer” 'n telekommunikasiediensverskaffer soos omskryf in 'n Parlements wet wat vir die regulering van onderskepping van kommunikasies voorsiening maak; 30
 - “voorskryf” by regulasie voorskryf.

Instelling van Comsec

2. Daar word hierby 'n regs persoon ingestel wat bekend staan as *Electronic Communications Security (Pty) Ltd*. 35

Principal objective of Comsec

3. The principal objective of Comsec is to ensure that critical electronic communications are protected and secure.

Incorporation of Comsec

4. (1) The Minister must effect the incorporation of Comsec in terms of the Companies Act. 5

(2) Notwithstanding the Companies Act or any other law, the State is the sole shareholder of Comsec.

(3) Notwithstanding the Companies Act, the Minister or a person designated by him or her must, on behalf of the State, sign the memorandum and articles of association and all other documents necessary for the incorporation of the company. 10

(4) The Registrar of Companies must—

(a) register the memorandum and articles of association as signed in terms of subsection (3);

(b) incorporate the company as a private company under the name “Electronic Communications Security (Pty) Ltd”; and 15

(c) issue to the company a certificate to commence business with effect from the date of the company’s incorporation.

Provision of Companies Act not applicable to Comsec under certain circumstance

5. A provision of the Companies Act does not apply to Comsec where the Minister of Trade and Industry has issued a declaration under section 6. 20

Request for exemption from application of provision of Companies Act

6. (1) (a) The Minister may, on the recommendation of Comsec, request the Minister of Trade and Industry to declare the whole or part of a provision of the Companies Act not applicable to Comsec. 25

(b) The request must be fully motivated.

(2) The Registrar of Companies must publish particulars about the request and motivation contemplated in subsection (1) by notice in the *Gazette*, unless such publication will compromise national security.

(3) The Minister of Trade and Industry may, by notice in the *Gazette*, after having considered the request contemplated in subsection (1) and if satisfied on reasonable grounds that the non-application of the provision of the Companies Act to Comsec will— 30

(a) contribute to the efficiency of Comsec and reduce its operating costs;

(b) not reduce or limit the accountability of Comsec as a public institution or detract from the requirements of transparency regarding its functioning and operations; and 35

(c) not be detrimental to the interests of the State, employees of Comsec or claims of creditors of Comsec,

declare, with effect from the date stated in the notice, the whole or part of a provision of the Companies Act not applicable to Comsec. 40

Functions

7. (1) The functions of Comsec are to—

(a) protect and secure critical electronic communications against unauthorised access or technical, electronic or any other related threats; 45

(b) provide, with the concurrence of the National Intelligence Agency defined in section 1 of the Intelligence Services Act, 1994 (Act No. 38 of 1994), verification services for electronic communications security systems, products and services used by organs of state;

(c) provide and co-ordinate research and development with regard to electronic communications security systems, products, services and any other related services; 50

(d) perform any other function not inconsistent with this Act that is necessary for the effective functioning of Comsec.

(2) For purposes of the functions contemplated in subsection (1), Comsec must— 55

Hoofdogmerk van Comsec

3. Die hoofdogmerk van Comsec is om te verseker dat kritieke elektroniese kommunikasies beskerm word en veilig is.

Inlywing van Comsec

4. (1) Die Minister moet die inlywing van Comsec ingevolge die Maatskappywet 5 bewerkstellig.

(2) Ondanks die Maatskappywet of enige ander wet is die Staat die enigste aandeelhouer van Comsec.

(3) Ondanks die Maatskappywet moet die Minister of 'n persoon wat deur hom of haar aangewys is, namens die Staat die akte van oprigting en statute en alle ander 10 dokumente wat vir die inlywing van die maatskappy nodig is, onderteken.

(4) Die Registrateur van Maatskappye moet—

- (a) die akte van oprigting en statute soos ingevolge subartikel (3) onderteken, registreer;
- (b) die maatskappy as 'n private maatskappy inlyf onder die naam "*Electronic 15 Communications Security (Pty) Ltd*"; en
- (c) aan die maatskappy 'n sertifikaat uitreik om, met ingang vanaf die datum van die maatskappy se inlywing, met besigheid te begin.

Bepaling van Maatskappywet onder sekere omstandigheid nie op Comsec van toepassing nie 20

5. 'n Bepaling van die Maatskappywet is nie op Comsec van toepassing nie waar die Minister van Handel en Nywerheid 'n verklaring kragtens artikel 6 uitgereik het.

Versoek om vrystelling van toepassing van bepalings van Maatskappywet

6. (1) (a) Die Minister kan, op aanbeveling van Comsec, die Minister van Handel en Nywerheid versoek om te verklaar dat 'n bepaling van die Maatskappywet, of 'n 25 gedeelte van sodanige bepaling, nie op Comsec van toepassing is nie.

(b) Die versoek moet ten volle gemotiveer wees.

(2) Die Registrateur van Maatskappye moet besonderhede aangaande die versoek en die motivering in subartikel (1) beoog by kennisgewing in die *Staatskoerant* bekend 30 maak, tensy sodanige bekendmaking nasionale sekuriteit in gevaar stel.

(3) Die Minister van Handel en Nywerheid kan, by kennisgewing in die *Staatskoerant*, na oorweging van die versoek in subartikel (1) beoog, en indien op redelike gronde daarvan oortuig dat die nietoepassing van die bepaling van die Maatskappywet op Comsec—

- (a) tot die doeltreffendheid van Comsec sal bydra en sy bedryfskoste sal verlaag; 35
- (b) nie Comsec se rekenpligtigheid as 'n openbare instelling sal verminder of beperk of aan die vereistes van deursigtigheid wat betref sy funksionering en bedryfswerksaamhede afbreuk sal doen nie; en
- (c) nie tot nadeel van die belange van die Staat, werknemers van Comsec of eise 40 of aansprake van Comsec se skuldeisers sal wees nie,

verklaar dat die geheel of 'n gedeelte van 'n bepaling van die Maatskappywet, met ingang van die datum in die kennisgewing vermeld, nie op Comsec van toepassing is nie.

Werksaamhede

7. (1) Die werksaamhede van Comsec is om— 45

- (a) kritieke elektroniese kommunikasies teen ongemagtigde toegang of tegniese, elektroniese of ander verwante gevare te beskerm en te beveilig;
- (b) met die instemming van die Nasionale Intelligensie-agentskap wat in artikel 1 van die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994), omskryf word, verifiëringsdienste te verskaf vir sekerheidstelsels, -produkte en 50 -dienste vir elektroniese kommunikasies wat deur staatsorgane gebruik word;
- (c) navorsing en ontwikkeling betreffende sekerheidstelsels, -produkte en -dienste en enige verwante dienste vir elektroniese kommunikasies te verskaf en te koördineer;

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- (a) develop, design, procure, invent, install or maintain secure electronic communications systems or products and do research in this regard;
- (b) provide secure electronic communications services, systems and products;
- (c) provide cryptographic services;
- (d) train and support users of the electronic communications systems, products and related services; and 5
- (e) provide consultancy services on the security and protection of electronic communications services, systems and products.
- (3) Subject to applicable labour law, Comsec may, with the approval of the Minister acting with the concurrence of the Minister responsible for an entity or establishment of the State which performs duties similar to those referred to in subsection (2), integrate such an entity or establishment into Comsec. 10
- (4) Comsec may cooperate with any organisation in the Republic or elsewhere to achieve its objectives.
- (5) Comsec, the members of its Board and its employees must, in the performance of their functions in terms of this Act, comply with the policies and regulations relating to security of communications made in terms of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994). 15
- (6) The head of a telecommunication service provider must, at the request of Comsec and at Comsec's expense, render such assistance as may be necessary for the execution of the functions of Comsec contemplated in this section. 20
- (7) Comsec is exempted from the licensing requirements contemplated in—
- (a) the Broadcasting Act, 1999 (Act No. 4 of 1999); and
- (b) the Telecommunications Act, 1996 (Act No. 103 of 1996).

CHAPTER 2 25

GOVERNANCE OF COMSEC

Board of Directors

8. (1) Comsec must be managed and controlled in accordance with this Act by a Board of Directors appointed by the Minister after consultation with Cabinet.
- (2) The business and operational plans of Comsec must be approved by the Board with the concurrence of the Minister. 30
- (3) The Board represents Comsec.

Composition of Board

9. (1) The Board is made up of not more than nine members of whom— 35
- (a) one is the non-executive chairperson;
- (b) not more than four are executive directors, one of whom must be designated by the Minister as the Chief Executive Officer; and
- (c) the rest are additional non-executive members, consisting of persons approved by the Minister on the basis of relevant expertise.
- (2) A majority of the members of the Board forms a quorum at any meeting of the Board. 40
- (3) On an equality of votes in any meeting of the Board, the chairperson has a casting vote in addition to a deliberative vote.

Terms of office of members of Board

10. (1) A non-executive member of the Board— 45
- (a) holds office for a period of three years which the Minister may extend for further periods of three years each or such shorter periods as the Minister may determine;
- (b) serves on the terms and conditions determined by the Minister and specified in the letter of appointment of the member; and 50
- (c) may resign by giving three months' written notice to the Minister or as stipulated in the letter of appointment.
- (2) An executive member of the Board—
- (a) holds office for a period determined by the Minister in the letter of appointment; and 55

- (d) enige ander werksaamheid wat nie met hierdie Wet onbestaanbaar is nie, te verrig wat nodig is vir die doeltreffende werking van Comsec.
- (2) Vir doeleindes van die werksaamhede in subartikel (1) beoog, moet Comsec—
- (a) veilige stelsels of produkte vir elektroniese kommunikasies ontwikkel, ontwerp, verkry, uitvind, installeer of in stand hou, en moet hy in hierdie verband navorsing doen; 5
- (b) veilige dienste, stelsels en produkte vir elektroniese kommunikasies verskaf;
- (c) kriptografiese dienste verskaf;
- (d) gebruikers van die stelsels, produkte en verwante dienste vir elektroniese kommunikasies oplei en ondersteun; en 10
- (e) konsulteerdienste lewer rakende die sekerheid en beveiliging van dienste, stelsels en produkte vir elektroniese kommunikasies.
- (3) Behoudens toepaslike arbeidswetgewing kan Comsec 'n Staatsentiteit of -onderneming wat pligte soortgelyk aan dié in subartikel (2) bedoel, met die goedkeuring van die Minister, wat handel met die instemming van die Minister wat vir daardie entiteit of onderneming verantwoordelik is, by Comsec integreer. 15
- (4) Comsec kan met enige organisasie in die Republiek of elders saamwerk om sy oogmerke te bereik.
- (5) Comsec, die lede van sy Raad en sy werknemers moet, in die verrigting van hulle werksaamhede ingevolge hierdie Wet, voldoen aan die beleid en regulasies rakende sekerheid van kommunikasies wat ingevolge die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), uitgevaardig is. 20
- (6) Die hoof van 'n telekommunikasiediensverskaffer moet, op versoek van Comsec en op Comsec se onkoste, sodanige bystand verleen wat nodig mag wees vir die uitvoering van Comsec se werksaamhede in hierdie artikel beoog. 25
- (7) Comsec word vrygestel van die lisensievereistes beoog in—
- (a) die Uitsaaiwet, 1999 (Wet No. 4 van 1999); en
- (b) die Wet op Telekommunikasie, 1996 (Wet No. 103 van 1996).

HOOFTUK 2

BESTUUR VAN COMSEC

Raad van Direkteure

8. (1) Comsec moet in ooreenstemming met hierdie Wet bestuur en beheer word deur 'n Raad van Direkteure wat deur die Minister na oorlegpleging met die Kabinet aangestel is.
- (2) Die besigheids- en bedryfsplanne van Comsec moet met die Minister se instemming deur die Raad goedgekeur word. 35
- (3) Die Raad verteenwoordig Comsec.

Samestelling van Raad

9. (1) Die Raad bestaan uit hoogstens nege lede, van wie—
- (a) een die nie-uitvoerende voorsitter is; 40
- (b) hoogstens vier uitvoerende direkteure is, van wie een deur die Minister as die Hoof- Uitvoerende Beampte aangewys moet word; en
- (c) die res bykomende nie-uitvoerende lede is, wat bestaan uit persone wat deur die Minister goedgekeur is op grond van tersaaklike kundigheid.
- (2) By enige vergadering van die Raad vorm 'n meerderheid van die lede van die Raad 'n kworum. 45
- (3) In geval van 'n staking van stemme in enige vergadering van die Raad het die voorsitter, benewens 'n beraadslagende stem, ook 'n beslissende stem.

Ampstermyn van Raadslede

10. (1) 'n Nie-uitvoerende lid van die Raad— 50
- (a) beklee sy of haar amp vir 'n tydperk van drie jaar, wat die Minister kan verleng vir verdere tydperke van drie jaar elk, of vir die korter tydperke wat die Minister bepaal;
- (b) dien op die bedinge en voorwaardes wat deur die Minister bepaal en in die aanstellingsbrief van die lid uiteengesit is; en 55

- (b) may resign by giving three months' written notice to the Minister or as stipulated in the letter of appointment.
- (3) The names of the Board members may be kept confidential.

Remuneration of members of Board

11. A member of the Board, except the executive directors and any appointed member who holds a post or office in the Public Service or any institution, organisation or body established by or under any other law and funded wholly or partly by the State, may be remunerated on a daily basis at a rate determined by the Minister with the concurrence of the Minister of Finance. 5

Removal from office

12. The Minister may in the prescribed manner remove any member of the Board from office on the grounds of misconduct, incompetence or incapacity or failure to obtain the necessary security clearance. 10

CHAPTER 3

CHIEF EXECUTIVE OFFICER

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Functions of the Chief Executive Officer

13. The Chief Executive Officer is responsible for the administration and the general management and control of the day-to-day functioning of Comsec, subject to the directions and instructions issued by the Board.

Employment of personnel

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14. (1) The Chief Executive Officer must appoint the employees of Comsec, subject to such remuneration, allowances and service benefits as the Board may determine.

(2) In filling posts, the evaluation of persons must be based on training, skills, competence, knowledge and the need to redress the imbalances of the past, so as to achieve a staff complement broadly representative of the South African population, according to race, gender and disability. 25

(3) The Minister or any other Minister may, at the request of Comsec, second an employee to Comsec in accordance with an Act of Parliament providing for the Intelligence Services or section 15(3) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as the case may be. 30

(4) For as long as an employee is seconded to Comsec, Comsec must reimburse the relevant department for the remuneration and allowances paid by such department to the employee, and for any other expenditure arising from the secondment of that employee.

Employment of employees of Security Services

15. (1) Any employee involved in an electronic communications security function in the security services contemplated in Chapter 11 of the Constitution, or in any establishment or entity contemplated in section 7(3), may be made an employment offer by Comsec. 35

(2) (a) The remuneration, benefits and privileges offered by Comsec may not be less than those payable to the employee by the previous employer immediately prior to his or her transfer. 40

(b) Prior to the transfer of an employee, an agreement must have been reached between the employer, Comsec and the Minister, and with the concurrence of the Minister of Finance, where applicable—

- (i) as to whether accrued leave and sick leave should be wholly or partially carried over to Comsec; 45
- (ii) as to whether the monetary value of such benefits should be payable wholly or partially to the employee prior to transfer; and
- (iii) as to which portion of the costs of the transferred benefits is to be carried by the employer and which portion by Comsec. 50

- (c) kan bedank deur aan die Minister drie maande skriftelike kennis te gee, of soos in die aanstellingsbrief gestipuleer.
- (2) 'n Uitvoerende lid van die Raad—
- (a) beklee sy of haar amp vir 'n tydperk wat die Minister in die aanstellingsbrief bepaal; en
- (b) kan bedank deur aan die Minister drie maande kennis te gee, of soos in die aanstellingsbrief gestipuleer.
- (3) Die name van die Raadslede kan vertroulik gehou word.

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Besoldiging van Raadslede

11. 'n Lid van die Raad, behalwe die uitvoerende direkteure en enige aangestelde lid wat 'n pos of amp beklee in die Staatsdiens of in enige instelling, organisasie of liggaam wat deur of kragtens enige ander wet ingestel is en wat in geheel of gedeeltelik deur die Staat gefinansier word, kan op 'n daaglikse grondslag besoldig word teen 'n tarief wat die Minister, met die instemming van die Minister van Finansies, bepaal.

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Ampsontheffing

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12. Die Minister kan op die voorgeskrewe wyse enige Raadslid van sy of haar amp onthef op grond van wangedrag, onbekwaamheid of onvermoë of versuim om die nodige sekerheidsklaring te verkry.

HOOFSUK 3

HOOF- UITVOERENDE BEAMPTTE

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Werkzaamhede van Hoof- Uitvoerende Beampte

13. Die Hoof- Uitvoerende Beampte is verantwoordelik vir die administrasie en die algemene bestuur en beheer van die dag-tot-dag funksionering van Comsec, behoudens die voorskrifte en opdragte wat deur die Raad uitgereik word.

Indiensneming van personeel

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14. (1) Die Hoof- Uitvoerende Beampte moet die werknemers van Comsec aanstel, onderworpe aan die besoldiging, toelaes en diensvoordele wat die Raad bepaal.

(2) By die vul van poste moet die evaluering van persone gegrond wees op opleiding, vaardighede, bevoegdheid, kennis en die behoefte om die wanbalanse van die verlede te herstel sodat 'n personeelsterkte bewerkstellig kan word wat in die breë verteenwoordigend is van die Suid-Afrikaanse bevolking, volgens ras, geslag en gestremdheid.

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(3) Die Minister of enige ander Minister kan, op versoek van Comsec, 'n werknemer aan Comsec sekondeer in ooreenstemming met 'n Parlements wet wat voorsiening maak vir die Intelligensiedienste of met artikel 15(3) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), na gelang van die geval.

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(4) Vir so lank 'n werknemer aan Comsec gesecondeer is, moet Comsec die tersaaklike departement vergoed vir die besoldiging en toelaes wat deur sodanige departement aan die werknemer betaal word, en vir enige ander besteding wat uit die sekondering van daardie werknemer voortspruit.

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Indiensneming van werknemers van Veiligheidsdienste

15. (1) Comsec kan aan enige werknemer wat betrokke is by 'n sekerheidsfunksie vir elektroniese kommunikasies in die veiligheidsdienste beoog in Hoofstuk 11 van die Grondwet, of in enige onderneming of entiteit beoog in artikel 7(3), 'n diensaanbod doen.

45

(2) (a) Die besoldiging, voordele en voorregte wat deur Comsec aangebied word, mag nie minder wees nie as dié wat onmiddellik voor sy of haar oorplasing deur die vorige werkgewer aan die werknemer betaalbaar is.

(b) Voor die oorplasing van 'n werknemer moet die werkgewer, Comsec en die Minister, met, waar toepaslik, die instemming van die Minister van Finansies, ooreenstemming bereik het—

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(3) The agreement contemplated in subsection (2)(b) must also deal with any other existing contractual obligation between the employer and the employee.

(4) An offer contemplated in subsection (1) may only be made to employees who are in the service of the respective employers when the offer is made.

(5) An employee who accepts the offer contemplated in subsection (1) is not entitled to any voluntary severance package. 5

(6) An officer who is a member of Government Employees Pension Fund and who is employed by Comsec may—

(a) choose to become a dormant member of such Fund, and from the date of exercising such choice the officer must, despite the provisions of any other law, be regarded to be a dormant member of the Fund; 10

(b) choose to remain a member of the Fund, in which case Comsec is responsible for the employer's contribution to the Fund;

(c) request to become a member of any other registered pension fund, and withdraw from the Government Employees Pension Fund in accordance with the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996). 15

CHAPTER 4

SECURITY MATTERS

Security clearance 20

16. No person may be appointed as a member of the Board or as an employee of Comsec without a security clearance certificate issued by the National Intelligence Agency in accordance with the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994).

CHAPTER 5 25

SERVICE DELIVERY

Analysis of electronic communications security needs, and business agreement

17. (1) The head of an organ of state must ensure that the organ of state under his or her administration procures and accesses electronic communications products with the verification and approval of Comsec. 30

(2) The head of an organ of state must, at the request of the Board and in the prescribed manner, submit to the Board an analysis of the electronic communications security needs of the organ of state under his or her administration.

(3) The Board must make its request six months after Comsec's incorporation, and thereafter in every second year. 35

(4) Expenditure on the procurement or accessing of electronic communications products by an organ of state which has not complied with a request contemplated in subsection (2) must be regarded as unauthorised expenditure for the purposes of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(5) The Board must, after having considered an analysis contemplated in subsection (2) and if satisfied that Comsec should attend to the electronic communications security needs, enter into a business agreement with the relevant organ of state for the provisioning of the necessary services. 40

(6) Comsec may enter into business agreements to regulate its relationship with organs of state. 45

CHAPTER 6

FINANCIAL MATTERS

Funding of Comsec

18. (1) Funding and capital to start operating Comsec must be obtained from funds agreed to between the Minister and the Minister of Finance. 50

(2) The funds of Comsec consist of—

- (i) oor die vraag of opgehoopde verlof en siekteverlof in die geheel of gedeeltelik aan Comsec oorgedra moet word;
 - (ii) oor die vraag of die geldwaarde van sodanige voordele in die geheel of gedeeltelik aan die werknemer betaalbaar moet wees voordat hy of sy oorgeplaas word; en 5
 - (iii) oor watter gedeelte van die koste van die oorgedraagde voordele deur die werkgever gedra moet word, en watter gedeelte deur Comsec.
- (3) Die ooreenkoms beoog in subartikel (2)(b) moet ook enige ander bestaande kontraktuele verpligting tussen die werkgever en die werknemer behandel.
- (4) 'n Aanbod in subartikel (1) beoog, word gedoen slegs aan werknemers wat in die diens van die onderskeie werkgevers is wanneer die aanbod gedoen word. 10
- (5) 'n Werknemer wat die in subartikel (1) beoogde aanbod aanvaar, is nie op enige vrywillige skeidingspakket geregtig nie.
- (6) 'n Beampte wat 'n lid is van die Regeringswerknemerspensioenfonds en wat deur Comsec in diens geneem word, kan— 15
- (a) kies om 'n rustende lid van sodanige Fonds te word, en word vanaf die datum waarop hy of sy sodanige keuse uitgeoefen het, ondanks die bepalings van enige ander wet, geag 'n rustende lid van die Fonds te wees;
 - (b) kies om 'n lid van die Fonds te bly, in welke geval Comsec verantwoordelik is vir die werkgeversbydrae tot die Fonds; 20
 - (c) versoek om 'n lid van enige ander geregistreerde pensioenfonds te word en uit die Regeringswerknemerspensioenfonds bedank, in ooreenstemming met die "Government Employees Pension Law, 1996" (Proklamasie No. 21 van 1996).

HOOFSTUK 4 25

SEKERHEIDSAANGELEENTHEDE

Veiligheidsklaring

16. Niemand mag as 'n lid van die Raad of as 'n werknemer van Comsec aangestel word sonder 'n veiligheidsklaringsertifikaat wat die Nasionale Intelligensie-agentskap in ooreenstemming met die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), uitgereik het nie. 30

HOOFSTUK 5

DIENSLEWERING

Ontleding van sekerheidsbehoefte rakende elektroniese kommunikasies, en besigheidsooreenkoms 35

17. (1) Die hoof van 'n staatsorgaan moet toesien dat die staatsorgaan onder sy of haar administrasie elektroniese kommunikasies-produkte met die verifiëring en goedkeuring van Comsec verkry en toegang daartoe verkry.

(2) Die hoof van 'n staatsorgaan moet, op versoek van die Raad en op die voorgeskrewe wyse, 'n ontleding van die elektroniese kommunikasiesekerheidsbehoefte van 'n staatsorgaan onder sy of haar administrasie aan die Raad voorlê. 40

(3) Die Raad moet sy versoek ses maande na die inkorporering van Comsec rig, en daarna in elke tweede jaar.

(4) Uitgawes met die aankoop of verkryging van elektroniese kommunikasies-produkte deur 'n staatsorgaan wat nie aan 'n versoek in subartikel (2) beoog, voldoen het nie, word as ongemagtigde uitgawes beskou vir die doeleindes van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999). 45

(5) Die Raad moet, nadat hy 'n ontleding beoog in subartikel (2) oorweeg het en indien hy oortuig is dat Comsec na die sekerheidsbehoefte rakende elektroniese kommunikasies moet omsien, 'n besigheidsooreenkoms vir die verskaffing van die nodige dienste met die tersaaklike staatsorgaan aangaan. 50

(6) Comsec kan besigheidsooreenkoms aangaan om sy verhouding met staatsorgane te reguleer.

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- (a) monies received from Parliament as part of the Vote of the Intelligence Services in terms of the Security Services Special Account Act, 1969 (Act No. 81 of 1969);
- (b) monies received for services provided as stipulated in the business agreements entered into with organs of state; 5
- (c) funds, finances and grants contemplated in subsection (7);
- (d) donations and bequests contemplated in subsection (8).
- (3) The rates used for determining the cost of service must be reasonably market related and periodically approved by the Minister of Finance.
- (4) Comsec must perform its functions in an efficient and cost-effective manner. 10
- (5) The Board must prepare a strategic plan which it must use as a basis for recommending to the Minister how excess funds may be retained and used by the Board.
- (6) Payment for services provided by Comsec to an organ of state must be made in accordance with the business agreement between the parties.
- (7) The Minister may, after a request from Comsec, request special funding or any other special financial arrangement, including government grants, for the effective functioning of Comsec from the Minister of Finance. 15
- (8) Comsec may, with the approval of the Minister, accept donations and bequests, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (9) The books and records of accounts and financial statements of Comsec must be audited annually by the Auditor-General in accordance with the Security Services Special Account Act, 1969 (Act No. 81 of 1969). 20
- (10) The Chief Executive Officer must, at the end of each financial year, submit the report of the Auditor-General and the annual report compiled in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), to the Minister and the joint standing committee for consideration. 25
- (11) Comsec may acquire shares in any other company registered in the Republic in terms of the Companies Act.

CHAPTER 7

GENERAL 30

Intellectual property

19. (1) Notwithstanding the provisions of any other law, all intellectual property rights in any product, service, item, method or any other thing of any nature relating to secure communications technology or systems developed, designed or invented as contemplated in section 7(2) by Comsec or its employees, vest in Comsec. 35
- (2) The Board must direct how the product, service, item, method or any other thing of any nature contemplated in subsection (1) is to be utilised by Comsec in the achievement of its objective.

Exemption from application of this Act

20. (1) The Minister may, at the request of an organ of state, exempt such organ of state from the application of this Act if the exemption will not compromise national security. 40
- (2) The request contemplated in subsection (1) must be fully motivated.

Critical electronic communications infrastructure

21. (1) Comsec must for its own account provide protection to critical electronic communications infrastructure, such as computer systems and programmes of organs of state. 45
- (2) Comsec must coordinate research and development regarding any security risk that may arise in relation to critical electronic communications infrastructure.
- (3) The Minister may, on the recommendation of Comsec, identify critical communications infrastructure and request Comsec to provide the necessary protection. 50

HOOFSTUK 6**FINANSIËLE AANGELEENTHEDE****Finansiering van Comsec**

18. (1) Finansiering en kapitaal om Comsec te begin bedryf, moet verkry word van fondse waarop daar tussen die Minister en die Minister van Finansies ooreengekom is. 5
- (2) Die fondse van Comsec bestaan uit—
- (a) gelde van die Parlement ontvang as deel van die Begrotingspos van die Intelligensiedienste ingevolge die Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969 (Wet No. 81 van 1969);
 - (b) gelde ontvang vir dienste gelewer soos bepaal in die besigheidsooreenkomste wat met staatsorgane aangegaan is; 10
 - (c) fondse, finansies en toekennings in subartikel (7) beoog;
 - (d) skenkings en erflatings in subartikel (8) beoog.
- (3) Die tariewe wat gebruik word om die dienskoste te bepaal, moet redelik markverwant wees en moet van tyd tot tyd deur die Minister van Finansies goedgekeur word. 15
- (4) Comsec moet sy werksaamhede op 'n doeltreffende en koste-effektiewe wyse verrig.
- (5) Die Raad moet 'n strategiese plan voorberei wat hy as basis moet gebruik vir 'n aanbeveling aan die Minister hoe oortollige gelde deur die Raad behou en gebruik kan word. 20
- (6) Betaling vir dienste wat Comsec aan 'n staatsorgaan lewer, moet gedoen word in ooreenstemming met die besigheidsooreenkoms tussen die partye.
- (7) Die Minister kan, na 'n versoek van Comsec, spesiale finansiering of enige ander spesiale finansiële reëling, met inbegrip van regeringstoekennings, vir die doeltreffende werking van Comsec van die Minister van Finansies versoek. 25
- (8) Comsec kan, met die goedkeuring van die Minister, skenkings en erflatings aanvaar, behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).
- (9) Die boeke en rekords van rekeninge en finansiële state van Comsec moet jaarliks deur die Ouditeur-generaal geouditeer word, in ooreenstemming met die Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969 (Wet No. 81 van 1969). 30
- (10) Die Hoof- Uitvoerende Beampte moet, aan die einde van elke boekjaar, die verslag van die Ouditeur-generaal en die jaarverslag wat ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), saamgestel is, aan die Minister en die gesamentlike staande komitee vir oorweging voorlê. 35
- (11) Comsec kan aandele bekom in enige ander maatskappy in die Republiek wat ingevolge die Maatskappywet geregistreer is.

HOOFSTUK 7**ALGEMEEN** 40**Intellektuele eiendom**

19. (1) Ondanks die bepalinge van enige ander wet berus alle intellektuele goedereregte in enige produk, diens, item, metode of enigiets anders van enige aard wat verband hou met tegnologie of stelsels vir veilige kommunikasies wat soos beoog in artikel 7(2) deur Comsec of sy werknemers ontwikkel, ontwerp of uitgevind is, by Comsec. 45
- (2) Die Raad moet opdrag gee oor hoe die produk, diens, item, metode of enigiets anders van enige aard in subartikel (1) beoog, deur Comsec aangewend moet word in die bereiking van sy oogmerk.

Vrystelling van toepassing van hierdie Wet 50

20. (1) Die Minister kan, op versoek van 'n staatsorgaan, sodanige staatsorgaan van die toepassing van hierdie Wet vrystel indien die vrystelling nie die nasionale sekerheid in gevaar sal stel nie.
- (2) Die versoek in subartikel (1) beoog moet ten volle gemotiveer wees.

Regulations

- 22.** (1) The Minister may, after consultation with the joint standing committee, make regulations regarding—
- (a) functions consistent with this Act to be performed by Comsec;
 - (b) the conditions for the appointment of directors to the Board; 5
 - (c) security requirements with regard to electronic communications of the different organs of state;
 - (d) conditions of employment and any other benefits of employees of Comsec, on the advice of the Board;
 - (e) labour relations of the employees of Comsec; 10
 - (f) transitional arrangements consistent with this Act with regard to the implementation of this Act; and
 - (g) any other matter that the Minister may consider necessary to prescribe in order to achieve the objects of this Act.
- (2) A regulation made under this Act may provide that any person who contravenes a provision thereof, or fails to comply therewith, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years. 15

Offences and penalties

- 23.** (1) Any person is guilty of an offence if he or she—
- (a) interferes or tampers with any electronic communications system or product of an organ of state; 20
 - (b) contravenes section 17(1) or (2);
 - (c) not being a director or employee of Comsec, by word, conduct or demeanour pretends that he or she is a director or employee of Comsec;
 - (d) being a director or employee of Comsec, omits to carry out his or her duty or performs an act in conflict with his or her duty. 25
- (2) Any person convicted of an offence in terms of this Act is liable, in the case of contravention of—
- (a) subsection (1)(a), to a fine or to imprisonment for a period not exceeding 10 years; and 30
 - (b) subsection (1)(b), (c) or (d), to a fine or to imprisonment for a period not exceeding one year.

Limitation of liability

- 24.** The Minister, Comsec or any of its employees is not liable for anything done in good faith in terms of furthering the objectives of this Act, unless that act constituted gross negligence. 35

Savings and liabilities

- 25.** (1) All assets, liabilities, rights and duties, including funds, resources and administrative records, of an entity or establishment of the State which ceases to exist by virtue of an integration contemplated in section 7(3) vest upon such integration in Comsec, and must be regarded to have been acquired or incurred by Comsec in terms of this Act. 40
- (2) The registrar of deeds must, upon production to him or her of a certificate by the Minister that immovable property described in the certificate vests in Comsec by virtue of subsection (1), make the necessary entries and endorsements in or on any relevant register, title deed or other document in his or her office, so as to give effect to that subsection. 45
- (3) No duty, office fee or any other charge is payable in respect of any entry or endorsement made in terms of subsection (2).
- (4) Disciplinary proceedings instituted prior to the commencement of this Act and not yet completed when this Act took effect, must be concluded in terms of the law under which the proceedings were instituted. 50

Infrastruktuur vir kritieke elektroniese kommunikasies

21. (1) Comsec moet vir sy eie onthalwe beskerming verskaf vir infrastruktuur vir kritieke elektroniese kommunikasies, soos rekenaarstelsels en -programme van staatsorgane.

(2) Comsec moet navorsing en ontwikkeling aangaande enige sekerheidsrisiko wat in verband met infrastruktuur vir kritieke elektroniese kommunikasies kan ontstaan, koördineer. 5

(3) Die Minister kan, op aanbeveling van Comsec, infrastruktuur vir kritieke elektroniese kommunikasies identifiseer en Comsec versoek om die nodige beskerming te verskaf. 10

Regulasies

22. (1) Die Minister kan, na oorlegpleging met die gesamentlike staande komitee, regulasies uitvaardig betreffende—

- (a) werksaamhede wat met hierdie Wet bestaanbaar is en wat deur Comsec verrig moet word; 15
- (b) die voorwaardes vir die aanstelling van direkteure in die Raad;
- (c) sekerheidsvereistes betreffende elektroniese kommunikasies van die verskillende staatsorgane;
- (d) diensvoorwaardes en enige ander voordele van werknemers van Comsec, op advies van die Raad; 20
- (e) arbeidsverhoudinge van die werknemers van Comsec;
- (f) oorgangsreëlings wat met hierdie Wet bestaanbaar is betreffende die uitvoering van hierdie Wet; en
- (g) enige ander aangeleentheid wat die Minister nodig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik. 25

(2) 'n Regulasie wat kragtens hierdie Wet uitgevaardig is, kan bepaal dat enigeen wat 'n bepaling daarvan oortree, of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Misdrywe en strawwe 30

23. (1) 'n Persoon is aan 'n misdryf skuldig indien hy of sy—

- (a) torring aan of peuter met enige elektroniese kommunikasiesstelsel of -produk van 'n staatsorgaan;
- (b) artikel 17(1) of (2) oortree;
- (c) sonder dat hy of sy 'n direkteur of werknemer van Comsec is, deur woord, gedrag of optrede voorgee dat hy of sy 'n direkteur of werknemer van Comsec is; 35
- (d) synde 'n direkteur of werknemer van Comsec, nalaat om sy of haar plig uit te voer of 'n daad pleeg wat met sy of haar plig strydig is.

(2) 'n Persoon wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word, is strafbaar, in die geval van die oortreding van— 40

- (a) subartikel (1)(a), met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; en
- (b) subartikel (1)(b), (c) of (d), met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar. 45

Beperking van aanspreeklikheid

24. Die Minister, Comsec of enige van sy werknemers is nie aanspreeklik vir enigiets wat te goeder trou ingevolge die bevordering van die oogmerke van hierdie Wet gedoen word nie, tensy die handeling growwe nalatigheid uitgemaak het.

Voorbehoude en aanspreeklikhede 50

25. (1) Alle bates, laste, regte en verpligtinge, met inbegrip van fondse, hulpbronne en administratiewe rekords, van 'n entiteit of onderneming van die Staat wat ophou bestaan uit hoofde van 'n integrering beoog in artikel 7(3), berus vanaf sodanige integrering by

Act No. 68, 2002**ELECTRONIC COMMUNICATIONS SECURITY
(PTY) LTD ACT, 2002****Amendment of laws**

26. The laws mentioned in the first column of Schedule 1 are hereby amended to the extent set out in the third column of that Schedule.

Short title and commencement

27. This Act is called the Electronic Communications Security (Pty) Ltd Act, 2002, 5
and comes into operation on a date determined by the President by proclamation in the
Gazette.

Comsec, en moet geag word ingevolge hierdie Wet deur Comsec verkry of aangeaan te gewees het.

(2) Die registrateur van aktes moet, by die oorlegging aan hom of haar van 'n sertifikaat deur die Minister dat onroerende eiendom wat in die sertifikaat beskryf word, uit hoofde van subartikel (1) by Comsec berus, die nodige inskrywings en endossemente in of op enige tersaaklike register, transportakte of ander dokument in sy of haar kantoor aanbring ten einde aan daardie subartikel uitvoering te gee. 5

(3) Geen reg, kantoorgeld of enige ander gelde is betaalbaar nie ten opsigte van 'n inskrywing of endossement wat ingevolge subartikel (2) aangebring word.

(4) Dissiplinêre verrigtinge wat voor die inwerkingtreding van hierdie Wet ingestel is en wat nog nie afgehandel was toe hierdie Wet van krag geword het nie, moet afgehandel word ingevolge die wet waarkragtens die verrigtinge ingestel is. 10

Wysiging van wette

26. Die wette in die eerste kolom van Bylae 1 vermeld, word hierby gewysig in die mate in die derde kolom van daardie Bylae aangedui. 15

Kort titel en inwerkingtreding

27. Hierdie Wet heet die Wet op *Electronic Communications Security (Pty) Ltd, 2002*, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

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ELECTRONIC COMMUNICATIONS SECURITY
(PTY) LTD ACT, 2002

SCHEDULE 1

(Section 26)

LAWS AMENDED

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 81 of 1969	Security Services Special Account Act, 1969	<p>1. The amendment of section 2 by the substitution for paragraph (a) of the following paragraph: “(a) the performance of the function and the duty of the National Intelligence Agency and the South African Secret Service as referred to in the National Strategic Intelligence Act, 1994, and of Comsec as referred to in the <u>Electronic Communications Security (Pty) Ltd Act, 2002</u>; and”.</p> <p>2. The substitution for section 5 of the following section: “Investment of balances 5. Moneys standing to the credit of the account which are not required for immediate use or as a reasonable working balance, may be invested in such manner as may be determined by the President [Executive Deputy President] or Minister responsible for the National Intelligence Agency, [or] the South African Secret Service or <u>Comsec</u> with the concurrence of the Minister of Finance.”.</p>
Act No. 84 of 1982	Protection of Information Act, 1982	<p>1. The amendment of section 1 by the substitution for the definition of “security matter” of the following definition: “ ‘security matter’ includes any matter which is dealt with by <u>Comsec</u> as defined in section 1 of the <u>Electronic Communications Security (Pty) Ltd Act, 2002</u>, or the Agency or the Service as defined in section 1 of the Intelligence Services Act, 1994, or which relates to the functions of <u>Comsec</u> or that Agency or Service or to the relationship existing between any person and <u>Comsec</u> or that Agency or Service.”.</p>
Act No. 66 of 1995	Labour Relations Act, 1995	<p>1. The amendment of section 2 by the deletion in paragraph (b) of the word “and”, and by the addition of the following paragraph: “(d) <u>Comsec</u>.”.</p>

WET OP ELECTRONIC COMMUNICATIONS
SECURITY (PTY) LTD, 2002

Wet No. 68, 2002

BYLAE 1

(Artikel 26)

WETTE GEWYSIG

No. en jaar van Wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 81 van 1969	Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969	<p>1. Die wysiging van artikel 2 deur paragraaf (a) deur die volgende paragraaf te vervang: “(a) die verrigting van die funksie en die plig van die Nasionale Intelligensie-agentskap en die Suid-Afrikaanse Geheimeidiens soos bedoel in die Wet op Nasionale Strategiese Intelligensie, 1994, en van Comsec soos bedoel in die <u>Wet op Electronic Communications Security (Pty) Ltd, 2002</u>; en”.</p> <p>2. Die vervanging van artikel 5 deur die volgende artikel:</p> <p>“Belegging van saldo’s</p> <p>5. Gelde waarmee die rekening gekrediteer is en wat nie vir onmiddellike gebruik of as ’n redelike bedryfsaldo benodig word nie, kan op die wyse wat die President[, Uitvoerende Adjunkpresident] of Minister verantwoordelik vir die Nasionale Intelligensie-agentskap, [of] die Suid-Afrikaanse Geheimeidiens of Comsec met die instemming van die Minister van Finansies bepaal, belê word.”.</p>
Wet No. 84 van 1982	Wet op die Beveiliging van Inligting, 1982	<p>1. Die wysiging van artikel 1 deur die omskrywing van “veiligheidsaangeleentheid” deur die volgende omskrywing te vervang: “ ‘veiligheidsaangeleentheid’ ook ’n aangeleentheid waarmee Comsec soos omskryf in artikel 1 van die <u>Wet op Electronic Communications Security (Pty) Ltd, 2002</u>, of die Agentskap of die Diens soos omskryf in artikel 1 van die Wet Intelligensiedienste, 1994, handel of wat in verband staan met die werksaamhede van Comsec of daardie Agentskap of Diens of met die verhouding wat tussen iemand en Comsec of daardie Agentskap of Diens bestaan;”.</p>
Wet No. 66 van 1995	Wet op Arbeidsverhoudinge, 1995	<p>1. Die wysiging van artikel 2 deur die woord “en” in paragraaf (b) te skrap en die volgende paragraaf by te voeg: “(d) Comsec.”.</p>

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ELECTRONIC COMMUNICATIONS SECURITY
(PTY) LTD ACT, 2002

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 75 of 1997	Basic Conditions of Employment Act, 1997	<p>1. The amendment of the definition of "public service" in section 1 by the deletion in paragraph (b) of the word "and", and by the addition of the following paragraph: <u>"(d) Comsec."</u>.</p> <p>2. The amendment of subsection (1)(a) in section 3 by the deletion of the second "and", and by the addition of the following paragraph: <u>"(c) the directors and staff of Comsec."</u>.</p>
Act No. 55 of 1998	Employment Equity Act, 1998	<p>1. The amendment of the definition of "public service" in section 1 by the deletion in paragraph (b) of the word "and", and by the addition of the following paragraph: <u>"(d) Comsec."</u>.</p> <p>2. The amendment of section 4 by the substitution for subsection (3) of the following subsection: <u>"(3) This Act does not apply to members of the National Defence Force, the National Intelligence Agency or the South African Secret Service or to the directors and staff of Comsec."</u>.</p>

WET OP ELECTRONIC COMMUNICATIONS
SECURITY (PTY) LTD, 2002

Wet No. 68, 2002

No. en jaar van Wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 75 van 1997	Wet op Basiese Diensvoorwaardes, 1997	<p>1. Die wysiging van die omskrywing van "staatsdiens" in artikel 1 deur die woord "en" in paragraaf (b) te skrap en die volgende paragraaf by te voeg: "<u>(d) Comsec.</u>".</p> <p>2. Die wysiging van subartikel (1)(a) in artikel 3 deur die tweede "en" te skrap en die volgende paragraaf by te voeg: "<u>(c) die direkteure en personeel van Comsec.</u>".</p>
Wet No. 55 van 1998	<i>Nawu wa Ndzingano wa Mintirho</i> , 1998	<p>1. Die wysiging in die Xitsongateks van die omskrywing van "Ntirho wa mfumo" in artikel 1 deur die woord "na" in paragraaf (b) te skrap en die volgende paragraaf by te voeg: "<u>(d) Comsec.</u>".</p> <p>2. Die wysiging in die Xitsongateks van artikel 4 deur subartikel (3) deur die volgende subartikel te vervang: "<u>(3) Nawu lowu a wu khumbi lava nga swirho swa Vuthu ra Vusirhelelo bya Rixaka, Nhlngano wa Vuhlori bya Rixaka, kumbe Ntirho wa Swihundla eAfrika Dzonga Kumbe eka valawuri na vatrhi va Comsec.</u>".</p>

