

## KEY NOTE ADDRESS

### E-GOVT ICT LEARNING NETWORK - PRIA CHETTY (CHETTY LAW)

Good morning Honourable Ladies and Gentlemen. First, please allow me to extend my gratitude and appreciation to the Department of Public Service and Administration for affording me with the opportunity to address you this morning. I also wish to welcome (once again) each and every person in attendance this morning. Thank you for taking the time to be a part of today's EGOVT ICT Learning Network and participating in the associated information and knowledge sharing efforts. This network is an important one, whether you are here to receive knowledge or extend your knowledge: your presence here takes us only closer to achieving South Africa's combined e-government goals and only advances the ideals of ever improving service delivery to all South Africans. Your presence here also indicates that you are aware of the need to establish networks that you can turn to and rely on and that's half the battle won.

For some time now, South Africa, indeed Africa and the world have been aware of the sheer power of technology, more specifically information and communication technologies. We have in awe and amazement witnessed telemedicine, electronic multimedia education and the enabling platforms of electronic commerce for emerging entrepreneurs. As South Africa - "alive with possibility" and as a developing and emerging nation, we have been contemplating the potential of our being connected with the world speaking, engaging and learning from other citizens of the world.

To this end, South Africa has joined other African countries in their commitment to addressing the challenges and barriers to access of ICTs collectively referred to as the "digital divide" knowing that access to ICTs means access to the transformative capacity of technology and we want this for all South Africans. South Africa has also taken great strides in providing for the necessary legal, economic and developmental frameworks that will serve as the foundation for our forays into ICTs mindful that the benefits of ICTs must have wide and equitable application.

The Electronic Communications and Transactions Act, Section 2, embodies South Africa's intentions. It provides:

The objects of this Act are to enable and facilitate [electronic communications](#) and transaction in the public interest, and for that purpose to

- ❖ recognise the importance of the information economy for the economic and social

- prosperity of the Republic;
- ❖ promote universal access primarily in underserved areas;
- ❖ promote the understanding and, acceptance of and growth in the number of electronic transactions in the Republic;
- ❖ remove and prevent barriers to electronic communications and transactions in the Republic;
- ❖ promote legal certainty and confidence in respect of electronic communications and transactions;
- ❖ promote technology neutrality in the application of legislation to electronic communications and transactions;
- ❖ promote e-government services and electronic communications and transactions with public and private bodies, institutions and citizens;
- ❖ encourage investment and innovation in respect of electronic transactions in the Republic;
- ❖ develop a safe, secure and effective environment for the consumer, business and the Government to conduct and use electronic transactions;
- ❖ promote the development of electronic transactions services which are responsive to the needs of users and consumers;
- ❖ ensure that, in relation to the provision of electronic transactions services, the special needs of particular communities and, areas and the disabled are duly taken into account;
- ❖ promote SMMEs within the electronic transactions environment;

Whilst the objects cited above are not the only objects, it does speak to the tone of the legislation which is meant to be enabling and not restricting. The ECT Act in its simplest form provides legal validity to electronic communications and transactions and ushered an era of e-commerce in South Africa. E-bucks, internet banking and mobile banking are taken for granted now but a only few years ago South Africa was distanced from the electronic services economy. The ECT Act can also be linked to the provision of economical communication methods for NGOs and NPOs who are able through simple websites or cost effective emails to reach unprecedented audiences and garner unprecedented support.

More recently, the realisation of the power of collaboration and unification using technology is emerging in the voice of the legislature. Frameworks such as the Electronic Communications Act, more popularly known as the “Convergence Act” provides for the methods of convergence of previously distinct electronic services such as broadcasting and telecommunications by

centralizing the administration and management thereof and adapting to the idea that these can be amalgamated for a heightened experience of technology.

The much anticipated Open Source Policy further entrenches a tone of participation and collaboration for the achievement of combined goals.

The Open Source Policy, announced by Cabinet this year acknowledged the benefits of free and open source software particularly for government. The Open Source Policy, synonymous with the efforts of other developing countries such as Brazil and India is likely to provide government with the much needed control and management of its ICT infrastructure to realise the goals detailed in the Electronic Communications and Transactions Act; lower ICT costs in the long term and more importantly reduce South Africa's dependence on international suppliers whilst enhancing local technology skills. The underpinning theme of the Policy is that of interoperability, creating an environment where government departments of all tiers are able to work together, share data, knowledge and information, support each other and collectively achieve government's goals.

Electronic Government services will rely on the collaboration and participation that the Open Source Policy speaks of. Should we wish to realise delivery of information to citizens via Bluetooth, smart cards and harness the much need community involvement in government, we have to assume that we will be working together to design, implement and deliver intermediation between government and citizens through technology.

The more ambitious legislation and policies referred to above are supported by legislation such as those that pertain to information security. Such ancillary legislation create default applications for how to deal with the finer aspects of implementation of electronic communications and electronic services. The provisions thereof remove the burden from government departments to individually compile and implement a system of management of information. It also ensures uniformity and clarity in the way in which information is to be managed.

The high road is *pretty* for electronic government. It sees us delivering seamless, efficient electronic government services to citizens everywhere. The low road is not one that we want to look at. It sees us not realising the potential and the possibilities we know to exist. It is underpinned by many factors such as lack of focus, lack of willingness to work together. It is also characterised by lack of assimilation of the intentions of the frameworks that describe the methods to realise the goals. It is also characterised by a lack of compliance. The low road is currently a reality for the Promotion of Access to Information Act.

In March 2003 ODAC began a snap-survey on the state of compliance with the requirements of PAIA. They used a directory of Information Officers as compiled by the Government Communications and Information Service (GCIS) as the sample for the survey. From all the 76 public bodies listed they requested:

- ❖ Copies of their Manuals
- ❖ Copies of their internal implementation policy documents, and
- ❖ Copies of their last Section 32 reports

Preliminary results of the survey showed that:

- ❖ 62.5% of the public bodies requested for information have not responded or acknowledged receipt of the request more than 2 months after the request was made.
- ❖ 71.5% of the public bodies requested for information have not responded or acknowledged receipt of the request more than 1 month after the request was made.
- ❖ All in all 64.2% of the public bodies sampled for the survey failed to comply with the current response time of 30days.
- ❖ Only 1% of those that have responded said that they have internal implementation policy documents in relation to PAIA.
- ❖ Only 5% percent of the public bodies have responded indicated that they have sent Section 32 Reports to the SAHRC. This is consistent with the fact that only 20 public bodies had submitted Section 32 Reports by October 2002. It is also consistent with the replies received by Mr. Durr, an ACDP MP, when he asked Ministers in Parliament on whether or not Departments falling within their responsibility had submitted their Section 32 Reports in the year 2002.

If we consider the intention of the promoting access to information that impacts on the protection of a citizen's rights as being the foundation for this legislation, this Survey should not be a reality.

In my experience, the word "compliance" does not have positive connotations. To many, it implies onerous duties and impossible administration tasks. To many, it also seems to imply one more aspect of accountability. Compliance falls behind in the queue of objectives. It is often neglected and becomes a crisis management item.

For me, the reason that compliance has such a negative connotation is because the spirit and positive intentions of the legislature is not adequately communicated. The common purpose and shared goals that underpin the legislation gets lost in translation as a very important public need becomes latin sounding words in a government gazette. The message that the legislature exists for the people drowns as voices against additional responsibilities become louder.

I forward that compliance should rather be seen as necessary participation in the broader plan to achieve. For government departments especially the separation between the legislature and the implementing agents at provincial and local government should be removed and replaced by an acknowledgement of distributed responsibilities in order to achieve better.

Finally, I urge you, as you initiate the learning network today, to keep in mind the positive intentions of the legislation that will be discussed and commit to participation in ensuring that its objects are realised and ensuring that South Africa takes the high road.

Thank you once again and best of luck with your knowledge sharing endeavors today.